

**CR-2725-2018 (O&M)**

**203**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CR-2725-2018 (O&M)**

**Date of decision : 28.11.2018**

Bali Devi and others

... Petitioners

Versus

Phoolpati and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Suryakant Gautam, Advocate  
for the petitioners.

Ms. Archnak Bhardwaj, Advocate for  
Mr. Sandeep Verma, Advocate  
for respondent No.1.

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**AMIT RAWAL, J.**

Prayer in the present revision petition is for setting aside the impugned order dated 20.02.2018 (Annexure P-5), whereby the evidence of the petitioners-defendants has been closed as well as the order dated 13.03.2018 dismissing the application for recalling of the order dated 20.02.2018.

This Court while issuing notice of motion passed the following order:-

*"Learned counsel for the petitioners inter alia contends that the trial Court has wrongly closed the evidence of the petitioners vide order dated 20.02.2018 without appreciating the fact that it has already allowed the second application of the petitioners for summoning of Office Kanoongo. First date for evidence of the petitioners was 06.01.2018 and the same*

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*was closed on 20.02.2018 within 1½ month granting three-four opportunities in a hurried manner.*

*Notice of motion for 28.11.2018.*

*In the meanwhile, passing of the final order shall remain stayed."*

The Court below should not have closed the evidence, but ought to have resorted the provisions of Order 16 Rule 12 of Code of Civil Procedure, particularly when the petitioners discharged the onus by submitting the list of witnesses and summons were also issued. The impugned orders, under challenge, are not sustainable in the eyes of law and the same are hereby set aside and one effective opportunity is granted to the petitioners-defendants to lead evidence in accordance with law.

With the aforesaid observations, the present revision petition stands allowed.

**28.11.2018**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**