

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

130

CR No.3008 of 2017 (O & M)
Date of Decision:04.05.2018

M/s Kendriya Vihar-II

...Petitioner

Versus

M/s A.S. Associates and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Rajeev Sharma, Advocate for
Mr. K.D.S Sodhi, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

Defendant-petitioner is in the revision petition against the order passed by the learned trial Court dismissing the application for re-opening the evidence of the defendant.

Learned counsel for the petitioner has pointed out that the petitioner had summoned two official witnesses and their expenses for travelling etc. were deposited. The learned trial Court in the order dated 25.01.2017 had noticed that summons issued to the witnesses have been received back served, however, the witnesses were not present. He submitted that only those two official witnesses are required to be examined and it was the responsibility of the Court to ensure their presence by taking such further steps.

Although, it is true that learned counsel for the defendant-petitioner should have made a request to the Court to take further steps for

ensuring the official witnesses, who had been summoned and served, but were not present. It appears that no such request was made.

Be that as it may, keeping in view the facts of the case particularly that the case was for the first time fixed for the defendant's evidence on 13.01.2017 and the learned trial Court closed the evidence of the defendant on 01.03.2017, this Court is of the considered view that one more opportunity deserve to be granted to the defendant-petitioner to conclude its entire evidence. Petitioner would be at liberty to summon the officials for the date to be fixed by the learned trial Court by taking dasti process. It shall be the duty of the petitioner to get the service of the official witnesses effected. However, if the witnesses do not appear, the Court would be at liberty to take such further steps as required in law.

Revision petition is allowed.

04.05.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No