

122
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3384-2018 (O&M)
Date of decision : 21.5.2018

Joginder Singh and another **Petitioners**
Versus
Sukhwinderpal Singh and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. M.K.Dogra, Advocate for the petitioners.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 27.3.2018 passed by learned Civil Judge (Junior Division), Amritsar, vide which an application filed by the plaintiff for summoning as many as five witnesses was disposed of on the ground that plaintiffs have already availed eight effective opportunities to conclude their entire evidence. The trial Court held that said application is not maintainable.

Heard.

Admittedly, the process of starting summoning of the witnesses is to start when the case is fixed for evidence of the plaintiffs for the first time. It is not the law that when the Court is going to close the evidence by orders that the witnesses should be summoned. Therefore, the order of the trial Court is perfectly in accordance with law.

Learned counsel for the petitioners, faced with this situation, has contended that he undertakes to take the summons *dasti* and bring the witnesses and that he will not seek any opportunity.

Considering that case is at the stage of recording of evidence of the plaintiffs, impugned order dated 27.3.2008 passed by learned Civil Judge (Junior Division), Amritsar is modified to the extent that the plaintiffs are allowed to summon the said witnesses by taking the summons *dasti*. However, the trial Court will not compel appearance of any of the witnesses and if any of the witnesses fail to appear, the trial Court will not take coercive steps to secure the presence of witness(s). However, this will be subject to costs of Rs. 5,000/- to be payable to the District Legal Services Authority, Amritsar.

Disposed of as above.

(KULDIP SINGH)
JUDGE

21.5.2018

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Whether speaking / reasoned
Whether Reportable:

Yes
No