

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 387 of 2018
Date of Decision : 22.01.2018

Mohinder Singh(deceased) through his L.Rs. ...Petitioners

Versus

Kanwarjit Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.K. Walia, Advocate for the petitioners.

Anupinder Singh Grewal, J.(Oral)

The petitioners have impugned order dated 02.12.2017 (Annexure P-3), whereby their application to examine the witnesses had been rejected.

The petitioners are defendants in Civil Suit No. 52, dated 31.05.2012, pending in the Court of Civil Judge (Jr. Divn.), Ludhiana. Learned counsel for the petitioners contends that despite the best efforts of the petitioners, they could not produce two remaining witnesses for examination in the Court, although the diet money had already been deposited by them.

In view of the limited nature of the prayer of the petitioners for granting one opportunity to examine the remaining two witnesses in the Court, I do not intend to issue notice to the respondents.

The petitioners are seeking only one opportunity to examine the remaining two witnesses, who could not be produced before the Court despite the best efforts and even the diet money in respect thereof had already been deposited by the petitioners.

Therefore, it would be in the interest of justice, if the

petitioners are granted one opportunity to lead the evidence subject to reasonable costs.

Consequently, the impugned order dated 02.12.2017 is set-aside. The petitioners/defendants shall be granted one opportunity to examine the two remaining witnesses subject to payment of costs of ₹10,000/- to be paid in District Legal Services Authorities, Ludhiana.

The petition stands disposed of accordingly.

January 22, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>