

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

Sr. No.129

CR-7384-2018 (O&M)
Date of decision: 30.10.2018

Satpal and others

....Petitioners

versus

Soran and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Nain, Advocate
for the petitioners.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 02.08.2018 passed by the Civil Judge (Junior Division), Faridabad (for short- 'the Trial Court'), through which the petitioners'/plaintiffs' evidence was ordered to be closed.

Learned counsel for the petitioners submits that on 30.07.2018, summons were issued by the Trial Court for directing the Halka Patwari of village Attari, Tehsil Ballabgarh, District Faridabad, to appear before the Trial Court as a plaintiff witness which summons were taken by the petitioners dasti but before the summons could be served upon the concerned Halka Patwari, he was transferred and for that reason the Halka Patwari could not be served and could not appear before the Trial Court. Thus, it is submitted that the Trial Court was rather harsh in over looking the above fact and ordering closer of the petitioners' evidence.

In view of the above and in line with the principles of natural justice as also for the reason that the petitioners may not be precluded from leading their entire evidence at the trial stage, after setting aside the impugned order, the petitioners are granted one and only one effective opportunity to lead their entire evidence before the Trial Court at their own risk and responsibility. However, since prior to the passing of the impugned order, the petitioners had already availed six opportunities to lead their entire evidence, the opportunity given to them through the present order would be subject to payment of ₹15,000/- as costs. The entire evidence be led by the petitioners either on the next date fixed before the Trial Court or within 15 days thereafter.

The present petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

October 30, 2018

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No