

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

117

CR No.845 of 2018 (O&M)

Date of decision: 08.02.2018

Chattar Pal

..... Petitioner

Versus

Dinesh Yadav etc.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. J.S. Hooda, Advocate  
for the petitioner.

\*\*\*\*\*

**ANIL KSHETARPAL, J. (ORAL)**

Plaintiff-petitioner is in the revision petition against the order dated 25.01.2018 closing the evidence of the plaintiff. Learned trial Court has recorded that the counsel for the plaintiff-petitioner was asked to explain the relevancy of examination of witnesses who are three in number. The Court noticed that even after an opportunity was given to file written submissions to explain the relevancy of the aforesaid summoned witnesses, no submissions were filed. The order passed by the trial Court is extracted as under:-

*“Today the case fixed for filing relevancy of examination of witnesses namely Smt. Urmila Saini, Dinesh Yadav and Halqa Patawari of village Kadipur. However, written submission explaining relevancy of these witnesses not filed by the plaintiff. Perusal of the file reflects that issues in this case were framed on 09.08.2017 and thereafter, plaintiff availed opportunity for his evidence on 05.09.2017, 26.09.2017, 30.10.2017, 09.11.2017, 12.12.2017, 15.01.2018, 22.01.2018 and 25.01.2018 but even after this he was failed to conclude his evidence. The list of*

*witnesses with a request for summoning was itself moved on 31.10.2017 when vide order dated 30.10.2017 last opportunity was granted to the plaintiff to conclude his evidence. Hence, it reflects that plaintiff wants to prolong the trial of the case. Sufficient opportunities are already granted to him. As he has failed to file written submission explaining the relevancy of the aforesaid witnesses, hence, further opportunity is not justified. Plaintiff evidence is hereby closed by court order. Case is adjourned for 08.02.2018 for defendant's evidence."*

Learned counsel for the petitioner submits that it was due to inadvertence that the written submissions could not be filed. He further submits that given an additional opportunity, the learned trial Judge would be apprised of the relevancy of the witnesses.

He further submits that examination of these summoned witnesses is of absolute necessity.

Taking into consideration the submissions made, this Court is of the opinion that the plaintiff-petitioner would have to explain the relevancy of examination of the summoned witnesses to the trial Court only.

The plaintiff-petitioner if wishes to explain the relevancy of examination of the summoned witnesses either orally or by filing written submissions, he would be at liberty to do so and if the Court is satisfied that the witnesses summoned are relevant for the determination of the dispute, the Court would be at liberty to allow such evidence to be produced without being prejudice by the order passed on 25.01.2018.

Revision petition is disposed of.

**08.02.2018**

Dinesh Bansal

**( ANIL KSHETARPAL )  
JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No