

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-2816-2018

Date of Decision: August 24, 2018

DSR Infra Developers Ltd.

.....Petitioner(s)

versus

M/s Kamdhenu International and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashish Naik, Advocate for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner impugns order dated 09.07.2018, whereby the defence evidence has been closed by order.

2. Learned counsel for the petitioner submits that vide application dated 28.04.2017, the petitioner had summoned two witnesses in defence. Vide order of even date, the said witnesses were summoned by the learned trial Court on deposit of diet money. Diet money was deposited on 08.05.2017 and thereafter notices were issued to the said witnesses but the zimni orders after 28.04.2017 do not record whether the said witnesses were served or not. On every date, an order has been passed for issuance of notice to the said witnesses. Thus, the learned trial Court was at fault for non-service of the defence witnesses. Consequently, the order dated 09.07.2018 is illegal.

3. After deposit of diet money, it was the responsibility of the petitioner as well as his counsel to ensure that notices were issued after orders to this effect were passed by the learned trial Court. In case, service was not effected, further steps should have been taken for serving the witnesses. A perusal of the zimni

orders shows that petitioner as well as his counsel sat pratty after depositing the process fee and took no steps to ensure that service was in fact effected upon the defence witnesses and they put in appearance before the trial Court. The fault lies squarely on the the petitioner and his counsel and blaming the learned trial Court is unwarranted.

4. In view of the above, the present petition has no merit and is dismissed accordingly.

August 24, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No