

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

**CR No.1071 of 2018(O&M)
Date of Decision: 14.03.2019**

Nalin Sood and another

.....Petitioners

Versus

Apeejay School Faridabad

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Kunal Muthreja, Advocate
for the petitioners.

Mr. H.L. Tikku, Senior Advocate with
Mr. Sumeet Goel, Advocate and
Ms. Yashmeet Kaur, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed the order dated 08.01.2018 passed by Civil Judge (Junior Division), Faridabad vide which application filed by the defendants for summoning the witnesses was dismissed.

[2]. Vide order dated 16.02.2018, Co-ordinate Bench accepted the present revision petition on the premise that the application of the petitioners for summoning the witnesses at serial Nos.1 and 2 ought to have been considered by the trial

Court in a pragmatic manner by way of allowing the witnesses to be examined along with record. The findings recorded by the trial Court to the effect that the defendants cannot be permitted to summon the witnesses of the respondent-School were held to be erroneous on the ground that the case is built during the evidence stage and the production of record cannot be denied.

[3]. Subsequently, the said order was reviewed in RA-CR No.50-CII of 2018 by the Co-ordinate Bench itself vide order dated 25.05.2018. While accepting the review application, reference was made to the order dated 30.08.2016 passed by the trial Court allowing the application filed by the defendants for production of documents. After noticing the incriminating facts, the Co-ordinate Bench accepted the review application and revision petition was ordered to be restored to its original number.

[4]. Having considered the controversy in the light of prayer made by the petitioners, I find that there is no substance in this revision petition, as the record which was sought to be proved by way of summoning the witnesses at serial Nos.1 and 2 has already been allowed to be produced vide order dated 30.08.2016. Pleadings of the petition were conspicuously missing on that premise.

[5]. During course of arguments, Mr. H.L. Tikku, Senior

Advocate duly assisted by Mr. Sumeet Goel, Advocate and Ms. Yashmeet Kaur Advocate for the respondent stated that even the documents have been tendered before the trial Court by the respondent and the order dated 30.08.2016 already stood complied with.

[6]. In view of aforesaid factual position, nothing survives in this revision petition. This revision petition is accordingly dismissed. Trial Court shall take up the suit for disposal on merits in accordance with law.

14.03.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**