

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

**CR No.470 of 2019(O&M)
Date of Decision: 14.08.2019**

Gursimran Singh Sidhu

.....Petitioner

Versus

Vandana Sharma and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:None.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has challenged the order dated 28.11.2018 passed by Civil Judge (Junior Division), Patiala, whereby the evidence of the plaintiff was closed by order of the Court.

[2]. The grievance of the petitioner is that on 09.07.2018, a specific application was filed by the petitioner for summoning of official witnesses. The said application has not been decided particularly when vide order dated 17.07.2018, the case was adjourned to 06.08.2018 for consideration on the said application.

[3]. Perusal of the record would show that PW 1 Tejwant Singh was examined-in-chief and his cross-examination was

deferred at the instance of the defendant on 27.08.2018 and the witness was bound down for 10.09.2018 for cross-examination. On 10.09.2018, the witness was again bound down for 24.09.2018 for cross-examination at the instance of learned counsel for the defendant. On 24.09.2018, also the case was adjourned to 04.10.2018 and the witness was bound down for the said date for his cross-examination at the instance of the defendant. Last opportunity was extended till date.

[4]. It appears from the record that the application dated 09.07.2018 for summoning of official witnesses was never decided till closing of the evidence of the plaintiff by order of the Court.

[5]. At the time of issuance of notice of motion on 21.01.2019, following order was passed:-

“Learned counsel for the petitioner contends that an application for summoning of witnesses was filed on 09.07.2018 reference of which finds mentioned in the order dated 17.07.2018 passed by Civil Judge (Junior Division), Patiala. The case was adjourned for consideration on the said application on 06.08.2018. Learned counsel further contends that the said application was not decided by the trial Court and only PW 1 Tejwant Singh was examined on record and oral evidence of the plaintiff was closed vide impugned order dated 28.11.2018.

Notice of motion for 03.04.2019.

Till the next date of hearing, trial Court shall adjourn the proceedings beyond the date fixed by this Court.”

[6]. In view of nature of order which this Court proposes to pass, there will be no prejudice to either of the parties as the trial Court is directed to proceed with the application dated 09.07.2018 (if pending). In case, it is found that the said application has not been decided till date, then the trial Court shall proceed to decide the same in accordance with law. In case, the said application is found to have been decided earlier then the petitioner would be left to avail his legal remedies in accordance with law. After the decision of the said application, the effect would be seen by the trial Court and all corrective steps shall be taken. Till such time, impugned order shall not be given effect.

[7]. Disposed of.

14.08.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**