

In the High Court of Punjab and Haryana at Chandigarh

228

CR No. 6128 of 2016

Date of decision: 20.9.2019

SULEKHA SHARMA AND ANR

.....petitioners

Versus

NARESH KUMAR AND OTHERS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjay Nagpal, Advocate,
for the petitioners.

Mr.Namit Gautam, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

Petitioners have filed this revision petition challenging the order dated 16.8.2016 passed by Civil Judge (Jr.Divn.) Ludhiana, whereby evidence of the petitioners-defendants was closed by order of the Court.

Perusal of the record would show that on some occasion, the case was adjourned by the trial Court for facilitating the parties to enter into a compromise. The witnesses viz. Halqa Patwari and Record Keeper of the office of Sub Registrar (West), Ludhiana were sought to be summoned with process of the Court and for such summoning, the amount was separately deposited (though it was not ordered by the Court). For that precise reason, the petitioners sought indulgence of this Court by filing the present revision petition for grant of one opportunity on their own responsibility to summon

and examine the aforesaid witnesses in accordance with law subject to payment of adequate costs.

Notice of motion was issued on 19.9.2016. For some time the service could not be effected till the date when learned counsel for respondents No.1 to 3 appeared in the Court on 15.10.2018.

The controversy of the present type would not compel the Court to defer the proceedings for indefinite period. Since the petitioners seek indulgence of this Court for grant of last opportunity to summon the witnesses, on their own responsibility, therefore, I deem it appropriate to grant one opportunity to the petitioners to summon the Halqa Patwari and Record Keeper of the office of Sub Registrar (West), Ludhiana for their evidence, however, subject to payment of cost(s) of ₹ 15,000/- to be paid to the plaintiffs-respondents.

Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Petition stands disposed of accordingly.

September 20, 2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No