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

CR No. 6324 of 2018 (O&M)  
Date of Decision: 09.01.2019

Sita Devi Singla

-Petitioner

Vs

Amninder Pal and another

-Respondents

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

Present: Mr. Deepak Gupta, Advocate, for  
Mr. N.S. Swaitch, Advocate,  
for the petitioner.

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**RAJ MOHAN SINGH, J. (ORAL)**

As per office report, respondents have been duly served.

None appeared despite two pass overs.

I proceeded to decide this case on merits.

This revision petition has been preferred against the order dated 10.09.2018 passed by Civil Judge (Junior Division), Bathinda whereby two applications filed by the petitioner were dismissed.

First application was for summoning material witnesses to prove Tatima as per directions of the High Court. Second application was for adducing report of investigation conducted by Tehsildar as additional evidence.

At the time of issuance of notice of motion on 04.10.2018, learned counsel for the petitioner confined his prayer only to the extent of examining summoned witnesses and the prayer for leading additional evidence was not pressed.

Perusal of the record would show that in Civil Revision No.1423 of 2012, petitioner was given liberty vide order dated 13.11.2012 to prove copies of revenue record.

In order to prove the revenue record, officials namely Avtar Singh, Patwari, Field Kanungo and concerned Tehsildar were sought to be summoned by process of the Court by depositing diet money and other necessary charges. Thereafter, notices were issued to the said official witnesses, but they did not appear despite due service. The trial Court was under legal obligation to secure presence of summoned witnesses by coercive method under Order 16 Rule 10 CPC particularly when they were duly served with the process of the Court.

To that extent, indulgence can be granted in the present case thereby obligating the trial Court to summon/serve the witnesses by coercive method in case they do not appear despite due service.

It would be relevant to mention that earlier the application filed by the plaintiff for additional evidence to prove inquiry conducted by Tehsildar, Bathinda was dismissed vide

order dated 30.04.2013 but in view of order dated 30.11.2012 passed by the High Court, liberty was granted to the plaintiff to prove copies of revenue record in accordance with law.

For the reasons mentioned hereinabove, I deem it appropriate to accept this revision petition. Impugned order is set aside. The trial Court is directed to act in accordance with law in terms of Order 16 Rule 10 CPC in the event of non-appearance of summoned/served witnesses in accordance with law.

Disposed of.

09.01.2019  
*Jyoti Yadav*

**(RAJ MOHAN SINGH)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No