

In the High Court of Punjab and Haryana at Chandigarh

251

CR No.7616 of 2018(O&M)

Date of decision: 21.5.2019

BABA KAMAL SHAH COACHING SOCIETY

.....petitioner

Versus

RAJNISH & ANR

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Renu Dhull , Advocate,
for the petitioner.

Mr.B.D.Rana, Advocate for
Ms.Upasna Dhawan, Advocate
for respondent No.1.

Mr.Jai Bhagwan, Advocate
for respondent No.3.

Mr.Satish Singla, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J.(oral)

As per office report, all the respondents are served

There is no representation on behalf of respondent
No.2 despite service. Hence, he is proceeded against ex parte.

The issue involved in the present revision petition is
whether after depositing the diet money for the service of official
witnesses, the Court was obligated to secure their presence in
the event of their default in appearance before the Court. The

official witnesses were sought to be summoned with the process of Court for which even diet money was deposited by the plaintiff-petitioner. The official witnesses did not come present. Under Order 16 Rule 10 CPC, the Court was bound to secure their presence by way of resorting to coercive method.

Notice of motion was issued on 12.11.2018 and the proceedings before the trial Court were directed to be adjourned beyond the date fixed.

In view of nature of controversy, I deem it appropriate to dispose of this revision petition with a direction to the trial Court to act in accordance with law for securing the presence of served official witnesses. The trial Court shall issue fresh notices to the aforesaid witnesses. In case they do not appear then the trial Court shall proceed further in accordance with law.

Petition stands disposed of accordingly.

May 21, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No