

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121)

CR No.334 of 2020

Date of Decision: 17.01.2020

Jagsir Singh

...Petitioner

Versus

Kaur Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Raj Kumar Bala, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner firstly submits that the plaintiffs' evidence was concluded over a period of one year and one month, whereas the petitioner-defendant has been granted 4 opportunities about over a period of 2 months to conclude his evidence, after which his evidence was closed vide the order passed by the trial court on 06.01.2020 (copy Annexure P-1).

He further submits that the petitioners' son is in custody thereby hampering the petitioner from producing his witnesses; but even so he undertakes to examine all witnesses if two effective opportunities are granted to him, after the court has taken coercive method to secure their presence, they being official witnesses who otherwise may not have come simply at the instance of the petitioner.

That being so, even without issuing notice at this stage, accepting what learned counsel stated to be correct as regards the time granted to the plaintiff to lead evidence, the petition is allowed, subject to payment of Rs.7000/- as costs to the respondents-plaintiffs, with the trial

court directed that upon any application filed by the petitioner (as is shown to have been filed on 06.01.2020, copy Annexure P-4), seeking to summon the witnesses that he wishes to examine in his defence, if they are witnesses from Government offices, he would be given two effective opportunities to examine them over a period of two months.

Since this petition has been allowed without issuing notice to the respondents-plaintiffs, if any of the facts noticed herein above as per the contentions raised by the learned counsel for the petitioner, or the respondents-plaintiff are otherwise aggrieved of the order, they would be at liberty to file an application seeking a review thereof, for a valid reason.

17.01.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No