

In the High Court of Punjab and Haryana at Chandigarh

127

CR-470-2020 (O & M)

Date of Decision: January 22, 2020

PREETJYOT KAUR

.....PETITIONER

VERSUS

**AKAL SAHAI EDUCATIONAL SOCIETY
AND ANOTHER**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Namit Gautam, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 09.01.2020 whereby her rebuttal evidence has been closed.

Learned counsel for the petitioner contends that the petitioner had sought to summon official witness and had deposited the requisite diet money but the witness did not appear in Court.ailable warrants and non-ailable warrants were also issued by the Court but the witness did not appear. No further action was taken by the Court to ensure the presence of the witness. The closure of rebuttal evidence has caused grave prejudice to the petitioner, therefore, he may be granted one effective opportunity to produce the official witness i.e. Record Keeper of the Society in rebuttal. He has relied upon the judgment of the Coordinate Bench of this Court in the case of **Tajinder Singh versus Janki Dass and others, 2018 (2) Law Herald 1257** wherein somewhat similar situation, this Court had directed the trial Court to ensure the early summoning of the witness.

Heard.

The petitioner is stated to have deposited the diet money and taken other steps which were within her control to ensure the presence of the witness, who has to be produced in rebuttal.

In view of the limited prayer of the learned counsel for the petitioner to afford one effective opportunity to produce the official witness, i.e. Record Keeper of the Society in rebuttal, I intend to dispose of this petition without issuing notice to the respondents. It would be in the interest of justice, equity and fair play if the petitioner is afforded only one effective opportunity to produce the evidence in rebuttal.

Consequently, the petition is allowed and the impugned order dated 09.01.2020 is set aside. The petitioner shall be afforded one effective opportunity to produce the evidence in rebuttal

The trial Court shall ensure early summoning of the witness and thereafter shall proceed to decide the suit itself at the earliest.

(ANUPINDER SINGH GREWAL)
JUDGE

January 22, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No