

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-1990-2020 (O&M)
Date of Decision:-6.7.2020

Ranbir Singh ... Petitioner

Versus

Pala Ram ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Vats, Advocate for the petitioner.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner (defendant) has approached this Court challenging order dated 18.2.2020 (Annexure P-1) passed by learned Additional Civil Judge (Sr. Divn.), Safidon, District Jind whereby his evidence has been closed by order.
2. The respondent instituted a suit for recovery of an amount of ₹37,78,134/- against the petitioner (defendant). After closure of evidence of the respondent (plaintiff), the petitioner (defendant) examined four DWs and intended to examine two more DWs i.e. an official from the office of BSNL and another official from the office of Income Tax Department.
3. It is the case of the petitioner (defendant) that he had already deposited diet money on 13.1.2020 but despite issuance of summons, the witnesses did not turn up and that since the witnesses concerned are official witnesses i.e. an

official from the office of BSNL and another official from the office of Income Tax Department, the petitioner (defendant) himself could not secure their presence. It has been submitted that it was within one month of his filing of application dated 13.1.2020 (Annexure P-6) that his evidence came to be closed and which has infact been closed in a hurried manner.

4. The learned counsel for the petitioner (defendant) has further submitted that the petitioner earlier moved an application for summoning the official from the office of Income Tax Department but the summon could not be served and the same was received back with the report that the PAN Card of the person, whose details are required, should be furnished. The learned counsel has submitted that it was pursuant to furnishing of PAN Card by the petitioner (defendant) on 22.1.2020 itself that the petitioner moved an application but somehow sufficient opportunities have not been afforded thereafter for securing the presence of the official witnesses concerned.
5. I have heard the learned counsel for the petitioner.
6. In view of the fact that the official from the office of Income Tax Department could not be served for want of PAN Card of the respondent (plaintiff) and it was only on 22.1.2020 that the PAN Card was furnished, this Court is of the opinion that some more time needs to be afforded to the petitioner (defendant) to lead his defence and to examine the witnesses concerned.
7. In view of the aforesaid discussion and while taking a lenient view in the matter, the petition is allowed subject to the condition that the petitioner (defendant) pays costs amounting to ₹25,000/- to the respondent (plaintiff) before the Trial Court. The Trial Court shall afford two effective opportunities to the petitioner (defendant) to examine the witnesses

concerned and shall do the needful for securing the presence of the witnesses concerned i.e. an official from the office of BSNL and another official from the office of Income Tax Department.

6.7.2020

pankaj

(Gurvinder Singh Gill)
Judge

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