

119

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3678 of 2022 (O&M)

Date of decision: 06.09.2022

Bhawna Kaushal and another

....Petitioners

Versus

Poonam Kaushal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paras Jagga, Advocate
for the petitioners.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 31.08.2022 vide which the trial Court refused to grant any further effective opportunity to lead the additional evidence.

Counsel for the petitioners has argued that though the trial Court vide impugned order has observed that the officials of defendant No.3 Liberty Videocon General Insurance Company have not appeared and rather the counsel for defendant No.3 has made a statement that the record pertaining to the document Ex.DX is lying in the Mumbai office due to which the witnesses could not come present. It is further submitted that the trial Court further observed that taking coercive steps against the officials of defendant No.3 will not serve the ends of justice, which is a totally erroneous approach. It is also argued that since the document Ex.DX will go to the root of the case and will enable the trial Court to record a clear finding regarding the nomination, the trial Court should have adjourned the case and granted one more opportunity to

conclude the evidence by taking coercive action against the officials of defendant No.3.

Considering the limited request made by counsel for the petitioners and in order to avoid any further delay, the issuance of notice of motion is dispensed with and the order dated 31.08.2022, is set-aside and the trial Court is directed to grant effective opportunities to the petitioners to prove the document Ex.DX for which the trial Court will take coercive steps against the officials of defendant No.3.

The Manager of defendant No.3 – Liberty Videocon General Insurance Company will remain present in the Court on each and every date of hearing till the witness *qua* Ex.DX is produced, failing which non-bailable warrants will be issued against him if the record of the witness pertaining to the document Ex.DX is not produced before the trial Court.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

06.09.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No