

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

113(2)

**CR-5702 of 2019 (O&M)
Date of decision: 25.08.2022**

Mohd. Yaseen

..Petitioner

Versus

Wali Mohd. (since deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Mohd. Yousaf, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a plaintiff in a suit for mandatory injunction. The petitioner prays for a direction to defendant no.1, 6 and 7 to close the factory that is being run by the defendant no.1. The plaintiff produced the layout plan of the area in his evidence. He wants to examine Sh. Jarnail Singh, Civil Engineer, who has prepared the layout plan. The court summoned him, however, he did not appear. Thereafter, he was sought to be produced by issuing the bailable warrants. Still, he did not appear. The suit is pending for the last 8 years. The learned counsel representing defendant no.1 admits that that he is running commercial activities.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioner contends that the witness should have been summoned through the non bailable warrants.

On a court question, he has failed to give any plausible reason as to how such witness is necessary to be examined, particularly when defendant no.1 does not dispute that he is running a small commercial activity. Hence let the suit be decided within a period of 6 months, from today.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

August 25, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No