

CR-1167-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.149

CR-1167-2024
Date of Decision: 04.03.2024

RITU CHOPRA

....Petitioner

Versus

ADITYA CHOPRA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Atul Goyal, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 05.02.2024 (Annexure P-31), passed by learned Trial Court, whereby the evidence of the petitioner (who is plaintiff before learned Trial Court), was closed by order.

Learned counsel for the petitioner heard and the paper book has been perused.

Copies of the zimini orders, ever since framing of issues on 12.07.2023, till the passing of the impugned order, have been placed on record as Annexures P-4 to P-31.

Perusal of the aforesaid zimini orders reveals that the witnesses had been making appearance on almost all dates. Though, part examination has been conducted and if the adjournments have been granted, it was only on account of the request made or the Bar having abstained from court work or the inability expressed by witness for production of the record or the

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witness having not made appearance, despite having been bound.

It is submitted by learned counsel for the petitioner that one summoned witness Anshu Grover, who was summoned as per the list of witnesses, filed by the petitioner before the Trial Court, was partly examined. At the stage of cross-examination of the said witness, he was transferred and thereupon, the summons were issued to fresh witness, namely, Gagandeep, as evident from the order dated 31.01.2024 (Annexure P-30). However, it is submitted that the said witness had also been transferred and thereupon, learned Trial Court had ordered to produce the witness at own responsibility for 05.02.2024. However, on 05.02.2024, the evidence was closed by order, on account of summons having not taken *dasti*. The impugned order is silent as to whether the said witness was summoned by the concerned court or not.

In the given circumstances, when the major portion of the evidence has already been recorded, without any lapse on the part of the petitioner, in the interest of justice, one more opportunity should be given to the petitioner, to summon the requisite witness, who being official, as such, could not be produced at own responsibility, as he was to produce the summoned record.

In the light of the same, the instant revision petition is hereby accepted and the impugned order is set aside.

On query by the Court, it is disclosed that the case before learned Trial Court is fixed for hearing today itself for defendants' evidence.

In the given circumstances, on the next date, the Court shall summon the official witness, who is left to be examined by the petitioner. On the date fixed, double set of summons be issued, to expedite the process of getting the service effected, out of which one set may be given *dasti*.

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In any case, an effort should be made by learned Trial Court to secure presence of the witness concerned and examine him, within a period of six weeks.

Accordingly, the instant revision petition stands disposed of.

(ARCHANA PURI)
JUDGE

04.03.2024
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Whether speaking/reasoned : Yes

Whether reportable : Yes/No