

140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3348-2023(O&M)
Date of decision : 14.05.2024

Balwan and others ...Petitioners

Vs.

Gowardhan and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Gurmeet Kaur, Advocate and
Mr. Rajesh Duhan, Advocate
for the petitioners.

None for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the plaintiffs to assail the correctness of order dated 17.04.2023, whereby, the plaintiffs' evidence was closed by the Court order.

2. On 30.05.2023, the following order was passed:-

“Learned counsel for the petitioners argues that once the summons have already been issued to an official witness for which, diet money has already been deposited by the petitioners-plaintiffs, the said witness was not present but still evidence of the plaintiffs has been closed on the ground that enough opportunities have been given whereas, the trial Court should have ensured the presence of the said official witness before closing the petitioners-plaintiff's evidence.

Notice of motion for 03.08.2023.”

3. Learned counsel representing the respondent has not entered appearance. He was also not present on 09.05.2024.
4. In absence of denial to the correction of the assertions made on 30.05.2023, this Court is left with no choice but to allow the revision petition while setting aside the impugned order dated 17.04.2023.
5. The trial Court is directed to take steps for ensuring the presence of official witness, who has already been served but did not appear.
6. With these observations, the revision petition is allowed.

14.05.2024
neeraj

(ANIL KSHETARPAL)
JUDGE

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