



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

CR-402-2019

Date of decision : 20.05.2026

M/S RAM PAL SINGH MUKHTYAR AHMAD

...Appellant

Versus

M/S AGGCON EQUIPMENTS INTERNATIONAL(P) LTD

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Adarsh Jain, Sr. Advocate with
Mr. Lakshya Aggarwal, Advocate
for the petitioner.

Mr. Nitin Verma, Advocate for the respondent.

PANKAJ JAIN, J. (ORAL)

The present revision petition is directed against order dated 26.11.2018 passed by Civil Judge (Junior Division), Faridabad whereby the evidence of the defendant stands closed by order on account of his failure to conclude the same despite having availed eight opportunities.

2. Ld. Senior Counsel submits that the list of witnesses was filed. Diet money was deposited. Summons were issued to the official witnesses which were duly executed, yet they failed to appear. In these circumstances, evidence of the defendant ought not have been closed.

3. Per contra, counsel for the respondent submits that though there can't be any dispute with the factual position on record that the summons were duly executed on the official witnesses, but in order to

prove the bills issued by the plaintiff to the defendant, testimony of Assistant Officer, Service Tax, is not relevant piece of evidence.

4. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that once the official witness has defied the summons and has opted not to appear, the Trial Court ought not have punished the petitioner. The petitioner having discharged his obligation as per law and the summons having been executed, the Court was well within its power to enforce presence of the official witness through bailable/non-bailable warrants. Thus, instead of ordering closure of evidence of the defendant, Trial Court should have enforced the presence of the official witness.

4.1. So far as the objection raised by counsel for the respondent w.r.t. relevance of the evidence is concerned, the same is to be taken at the time the witness is being examined.

5. In view thereof, the present revision petition is allowed. Trial Court is directed to afford an opportunity to the defendant to conclude his evidence as per law.

May 20, 2026

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No