

2026:PHHC:066072



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

**Civil Revision-673-2019 (O&M)
Decided on:-29.04.2026**

Poonam Bansal and others

....Petitioners..

vs.

Municipal Corporation Hisar and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajay Jain, Advocate,
for the petitioners.

Mr. Mayank Vashisht, Advocate for
Mr. Prateek Mahajan, Advocate,
for respondent No.1.

Mr. Abhinav Kalia, DAG, Haryana,
for respondents No.2 & 3.

Service qua private respondents No.4 to 8 dispensed with.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 17.01.2019 passed by the learned Civil Judge (Junior Division), Hisar, whereby, the evidence of the petitioners-plaintiffs was closed by Court order.

2. In the present case, the petitioner-plaintiff filed a suit for permanent injunction against the respondents-defendants. Upon framing of issues, the matter was posted for recording of the evidence of the petitioners-plaintiffs. On 17.08.2018, an application was filed on behalf of the

petitioners-plaintiffs for summoning of the official witnesses, which as per the averments made in the revision petition was allowed. In pursuance thereof, the witnesses mentioned at serial Nos. (a) and (b) of the application were examined, however, the witnesses mentioned at serial Nos.(c) and (d) did not come present but the evidence of the petitioners-plaintiffs was closed by Court order on 17.01.2019 while recording that the petitioners-plaintiffs despite having been afforded several opportunities failed to conclude their evidence.

3. It is the said order dated 17.01.2019, passed by the learned trial Court, which has been assailed by way of present revision petition.

4. I have heard learned counsel for the parties and gone through the paper book.

5. As per the averments made in the present revision petition, which have not been controverted by the learned counsel representing respondent No.1, the application dated 17.08.2018 filed by the petitioners-plaintiffs for summoning of official witnesses was allowed, followed by deposit of the diet money and process fee, however, the witnesses mentioned at serial Nos. (c) and (d) did not appear.

6. In such circumstances, once the application for summoning of official witnesses was allowed by learned Trial Court and the diet money and process fee was deposited by the petitioners-plaintiffs, it was the statutory duty of the learned trial Court to ensure the presence of the summoned witnesses in terms of Order XVI of the CPC.

7. In view of the aforesaid legal position, the order dated 17.01.2019, passed by the learned trial Court, is not sustainable in the eyes of law and is hereby set aside. The learned trial Court is requested to ensure

the presence of the official witnesses mentioned at serial Nos.(c) and (d) of the application dated 17.08.2018. Further, the learned trial Court shall also ensure that the official witness described at serial No. (a) in the said application produces the summoned record at the time of his/her examination as witness.

8. Pending applications, if any, also stand disposed of.

29.04.2026
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(HARKESH MANUJA)
JUDGE

(I)	Whether speaking/reasoned:	Yes/No
(ii)	Whether reportable:	Yes/ No