

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4665 of 2007

Date of Decision : September 30th, 2014

Baljit Kaur

.... Petitioner

Versus

Mehar Singh and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. P.K.Gupta, Advocate,
for the petitioner.

None for the respondents.

Dr. BHARAT BHUSHAN PARSOON, J. [Oral]

Despite service, no one is present on behalf of the respondents.

2. As per report of the Registry, lower Court record had been summoned vide order dated 13.09.2007 of this Court. There is an application dated 8.2.2006 [Annexure P/1] by plaintiff – Smt. Baljit Kaur whereby three official witnesses were sought to be summoned.

3. Perusal of the lower Court record reveals that process fee, diet money and other expenses for summoning of witnesses had already been deposited by the plaintiff, pursuant to the orders of lower Court dated 9.6.2006.

4. Impugned order vide which evidence of the plaintiff was closed is of 26.4.2007. Lower Court record further reveals that there was an appeal pending against the order of the lower Court passed on an application which had been moved by the plaintiff under Order XXXIX

Rules 1 and 2 CPC. Orders dated 1.3.2007, 18.4.2007 and 04.06.2007 of the lower Court reveal that the file had remained with the Appellate Court and had been received by the lower Court only on 10.8.2007. It is thus, not clear as to how in the absence of the file, the lower Court had passed the impugned order on 26.4.2007 closing the evidence of the plaintiff even when the list of witnesses had been furnished and costs for summoning the said witnesses had already been deposited.

5. Seequally, the impugned order is set-aside. Petitioner-plaintiff is allowed to lead evidence in terms of application, Annexure P/1. Counsel for the petitioner undertakes to complete the entire evidence within one month. The trial Court shall conclude the entire adjudication within a period of six months from the date of receipt of copy of this order, after giving opportunity to the defendants to lead their evidence. The parties shall appear before the lower Court on 27.10.2014.

6. The revision petition is allowed in the above terms.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

September 30th, 2014

som