

(1987) 02 P&H CK 0014
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3447 of 1986

Kuldip Singh and Other

APPELLANT

Vs

Gurdial Singh Dyal Singh and Other

RESPONDENT

Date of Decision : 25-02-1987

Acts Referred:

Citation : (1987) 02 P&H CK 0014

Hon'ble Judges : S.P. Goyal, J

Bench : Single Bench

Judgement

S.P. Goyal, J.—It is apparent from the impugned order that the Plaintiffs had deposited the process fee and diet money for the summoning of the witnesses. The witnesses had been, in fact, served but they sought adjournment on medical and other grounds. If the Court was of the opinion that the ground stated was a mere excuse, it could order the summoning of the witnesses by bailable warrants. The Plaintiffs being not responsible for the non-appearance of the witnesses their evidence could not be closed simply on the ground that it was their responsibility to produce the witnesses. It has been repeatedly held that if the Plaintiff has deposited the process fee and diet money within the prescribed time, the Court cannot lay the responsibility of the production of the evidence on him. The trial Court, therefore, acted illegally in exercise of its jurisdiction in closing the evidence of the Plaintiffs. The impugned order is accordingly set aside and the trial Court directed to take further proceedings in the suit in accordance with law.