

(1984) 01 P&H CK 0020
In the Punjab And Haryana At Chandigarh
Case No : Civ. Revision No. 59 of 1984

Supear Kanwar and Others

APPELLANT

Vs

Devi Singh and Others

RESPONDENT

Date of Decision : 30-01-1984

Acts Referred:

Citation : (1984) ACJ 673

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

Bench : Single Bench

Advocate : Hemant Gupta, for the Appellant; L.M. Suri, for the Respondent

Judgement

S.P. Goyal, J.—The Tribunal although adjourned the case for the statement of one of the witnesses of the claimants, yet disallowed the prayer to summon the other witnesses who could not be served as they have been transferred out of Chandigarh. The reason given is that the claimants had undertaken to get the service effected on those witnesses and they having failed to do so there was no reason to summon them again. It is apparent that the Tribunal has acted illegally in the exercise of its jurisdiction in declining the prayer of the claimants.

2. Under the law, the Tribunal, may ask a party to help in the service of the witnesses but the evidence of any such party cannot be closed if the party fails to assist in the service of the summons. Once the party has put in the diet money and process fee with correct address within the time allowed, it is entirely the duty of the court to get the service effected on the witness. This observation, however, does not imply that the Tribunal does not have the jurisdiction to disallow the production of any evidence on other reasonable grounds available under the Code, such as, if it is of the opinion that the evidence produced is wholly irrelevant and is being produced only to delay the proceedings but the court cannot, except for the default on the part of the party, deny the assistance of the court in the production of his witnesses.

3. The impugned order is consequently set aside and the Tribunal is directed to

take further proceedings in the light of the observations made above.