



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

137

CR-2424-2025 (O&M)

Date of Decision : 22.05.2025

M/s TIRUPATI SEEDS AND ANR

... Petitioner

VERSUS

BEANT SINGH

... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Harish Chhabra, Advocate and
Ms. Pooja Chhabra, Advocate for the petitioner.

Mr. Rakesh Nagpal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 04.02.2025 (Annexure P-8) passed by the learned Additional District Judge, Sirsa whereby the evidence of the defendant-petitioners was closed by order.

2. Learned counsel for the defendant-petitioners would contend that DW Narender from Geochem was a summoned witness and bailable warrants had been issued for securing his presence. However, warrants were not received back executed or unexecuted and the evidence of the defendant-petitioners was closed by order. Learned counsel would further contend that once the witness is a summoned witness and warrants issued qua him were not received back either executed or unexecuted, it was for the Court to ensure the presence of the said witness by following the due procedure of law as per the provisions of Order XVI Rules 10 and 12 CPC.

3. *Per contra*, learned counsel for the plaintiff-respondent would contend that despite repeated and numerous opportunities, the defendant-petitioners failed to produce the said witness for recording of his evidence and hence no fault can be found with the impugned order passed by the Court concerned.

4. Heard.

5. In the present case, as is apparent from the impugned order dated 04.02.2025, DW Narender from Geochem was a summoned witness andailable warrants had been issued to secure his presence. The said warrants were not received back either executed or unexecuted. Order XVI Rule 10 CPC lays down the procedure where the witness fails to comply with the summons. However, in the present case the warrants itself were not received back executed or unexecuted. Therefore, there was no occasion for the Court to have closed the evidence of the defendant-petitioners.

6. In view of the above, the impugned order dated 04.02.2025 cannot be sustained and the same is accordingly set aside. The Court concerned shall ensure the presence of the said witness by following the due procedure given under Order XVI Rules 10 and 12 CPC, in accordance with law. The Court concerned is requested to conclude the trial expeditiously and not to grant any unnecessary adjournments to either of the parties.

7. The present revision petition stands disposed off accordingly. Pending applications, if any, also stand disposed off.

22.05.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE