

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

Civil Revision No.312 of 2015

Date of Decision:-14.01.2015

Jasbir Kaur & Ors.

.....Petitioners.

Versus

Balwinder Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Chandan Singh Rana, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioners/Plaintiffs are in revision aggrieved against the order dated 26.09.2014 (**P-7**), passed by the learned Civil Judge (Jr. Divn.), Amritsar, whereby evidence of the plaintiffs has been closed by order.

Learned Counsel for the petitioners has argued that the learned Court below has wrongly closed the evidence of the plaintiffs as it is apparent from the record that it is the respondents who were seeking dates to cross examine the witnesses of the petitioners and they had taken several dates and thus, no delay can be attributed to the petitioners. It has been further argued that the petitioners only required one opportunity to examine their witnesses in cross examination by the respondents. Thus, prayer was made for setting aside the impugned order.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition

is devoid of any merit and the same deserves to be dismissed.

It is not in dispute that in the present case, issues were framed on 28.05.2012 and thereafter till 26.09.2014 the case was fixed for evidence of the plaintiffs. Thus, in effect mere evidence has been going on for the past two years and four months. A perusal of the zimni orders reveals that the plaintiffs have taken numerous opportunities to present their witnesses and no justification is coming forth as to why no plaintiffs witnesses were present on such number of dates. The Hon'ble Supreme Court in **Shiv Cotex Vs. Tirgun Auto Plast Pvt. Ltd. (2011) 9 SCC 678** has already held that a party is required to conclude its evidence in three effective opportunities and it is only in certain rare cases that more opportunities have to be given. Certainly this case is not one of them as it is evident that plaintiffs have not been careful in pursuing their matter and have taken numerous opportunities to conclude their evidence. Thus, the learned trial Court had rightly closed the evidence of the petitioners/plaintiffs and no fault can be found with the same.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 14, 2015

Vinay/Gagan