

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3171 of 2015
Date of Decision: 12.5.2015.**

Kaur Singh and others

.....Petitioners

Versus

Bhagwanti and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sherry K. Singla, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 30.4.2015 (Annexure P-4).

Learned counsel for the petitioners has submitted that the petitioners only want to examine Patwari as a witness. Petitioners be granted one opportunity to enable them to examine the said witness at their own risk and responsibility.

Interim orders dated 5.3.2015 to 6.4.2015, as reproduced in the grounds of petition, read as under:-

“No PW is present. Summons issued to Halka Patwari received back unserved. Same be again issued for 16.03.2015. Ld. counsel for plaintiff requested for an adjournment. In view of his request and in the interest of justice, case is adjourned for plaintiff evidence subject to last opportunity subject to costs Rs. 500/-.

CJ(JD)/5.3.2015

Costs not paid. Halka Patwari Gurmail Singh is present but could not be examined as ld. Counsel for plaintiff has stated that he has to go out of station. He is bound down for 06.04.2015. In view of his request and in the interest of justice, case is adjourned for plaintiff evidence and payment of costs subject to last opportunity.

CJ(JD)/16.3.2015

Costs not paid. PW-2 Jalaur Singh is present and examined. An adjournment is requested. In view of his request and in the interest of justice, case is adjourned to 30.4.2015 for remaining plaintiff evidence and payment of costs subject to last opportunity.

CJ(JD)/06.4.2015”

Impugned order dated 30.4.2015 (Annexure P-4) reads as under:-

“Today case was fixed for plaintiff evidence subject to last opportunity subject to costs Rs. 500/-. Only one PW is present and examined as PW-3 Megh Singh. Neither costs has been paid nor any other PW is present. Learned counsel for proxy plaintiff has requested for adjournment which is opposed. Perusal of file reveals that plaintiff has availed various opportunities but has failed to conclude entire plaintiff evidence despite availing number of opportunities. In these circumstances, evidence of plaintiff is closed by order. Now to come up on 13.5.2014 for defendant evidence.”

A perusal of the above orders reveal that despite

imposition of costs, petitioners had failed to conclude their evidence nor had deposited the costs. In fact, the Trial Court granted opportunity to the petitioners to deposit the costs and lead their evidence and the case was adjourned from time to time as per the above interim orders but despite the said fact, petitioners had failed to deposit the costs or conclude their evidence. Since the petitioners had failed to deposit the costs, the Trial Court was left with no option but to close the evidence of the petitioners by order.

In view of the above facts, the impugned order calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

May 12, 2015
Gurpreet