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

CR No.4710 of 2015

Date of decision: July 28, 2015

Lal Singh

.....Petitioner

Versus

Malkiat Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

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

SABINA, J

Petitioner has filed this petition challenging the order dated 08.07.2015, whereby, evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that petitioner only wants to examine hand-writing and fingerprint expert qua signatures of the father of the plaintiff on receipt dated 30.10.2013. Learned counsel has further submitted that application moved by the petitioner for inspection of the case file by the hand-writing expert was allowed by the trial Court. However, the plaintiff did not give no objection in this regard and the expert could not examine the file.

Respondent has filed suit for recovery against the petitioner basing claim on pronote and receipt dated 20.09.2008. During the pendency of the suit, plaintiff moved

an application for closing the evidence of the defendant. While disposing of the said application, the learned trial Court has noticed that the case was adjourned for evidence of the defendant to 10.01.2013 on 11.12.2012. Thereafter, five effective opportunities were granted to the petitioner to lead his evidence including last opportunity subject to payment of costs. However, petitioner failed to conclude his evidence. On 09.01.2014, petitioner gave an undertaking that he would conclude his entire evidence on the next date of hearing, i.e. 23.01.2014. However, on the said date, petitioner moved an application under Order 6 Rule 17 of Code of Civil Procedure, 1908 for permission to amend the written statement. The said application was dismissed on 07.05.2014. Vide order dated 29.05.2014, proceedings before the trial Court were stayed by this Court in Civil Revision No.3910 of 2014 filed by the petitioner. Civil Revision was dismissed by this Court vide order dated 30.01.2015. Trial Court adjourned the case on 11.03.2015 to 20.03.2015 for evidence of the defendants as last opportunity. Thereafter, petitioner again took three opportunities to conclude his evidence, but failed to do so. The case was adjourned for evidence of the petitioner on 12.05.2015 subject to payment of costs. On the adjourned date, costs were paid and petitioner gave an undertaking that he would conclude his evidence on 08.07.2015. However, petitioner failed to conclude his evidence on the said date and

moved an application for inspection of the case file by hand-writing and fingerprint expert. Thus, although, the case had remained pending from 10.01.2013 onwards for the evidence of the petitioner, but the petitioner failed to examine the expert. In the facts and circumstances of the present case, the learned trial Court rightly held that the evidence of the petitioner was liable to be closed.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 28, 2015

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