

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 4759 of 2015

Date of Decision: 30.07.2015

Girraj Singh

.....Petitioner

Vs.

Braham Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Sharma, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 30.01.2015, 04.02.2015 and 09.02.2015.

Learned counsel for the petitioner has submitted that it appears that due to some lack of communication, the plaintiffs could not conclude their evidence. Learned counsel has further submitted that one only opportunity be granted to the plaintiffs to enable them to conclude their evidence.

Impugned order dated 30.01.2015 reads as under:-

“Four PWs are present but three PWs are completely examined. One PW namely Peet Ram as PW11 is present but could not be cross-examined as his cross-examination is deferred for producing ID card of Chowkidar Village Saupura. He is discharged for today and bound down for 04.02.2015.

Perusal of file shows that case has been pending since 2011 and the list of action plain. Issues has been framed on 29.08.2014, thereafter, plaintiff has availed several opportunities to conclude his evidence i.e. 18.09.2014, 20.10.2014, 25.11.2014, 19.12.2014, 02.01.2015, 12.01.2015, 20.01.2015, 22.01.2015 and today i.e. 30.01.2015. After availing several opportunities, plaintiff has failed to conclude its evidence, thereafter, the evidence of plaintiff has closed by Court order and case was adjourned to 04.02.2015 for cross-examination of PW11 Peet Ram.

On hearing this, Counsel for the plaintiff made a remark upon the Presiding Officer that the Presiding Officer is having personal interest in this case. The counsel for the plaintiff also started showing tantrums to the Court. He also disturbed the smooth proceedings not only in the above mentioned case but also the other cases fixed after the lunch session.

Heard, learned counsel for the plaintiff carefully, on the next of hearing if the counsel for the plaintiff disobeyed the Court, the Court will take necessary legal action against him.

Hence, evidence of plaintiff is closed by Court order except for cross-examination of PW11 Peet Ram. Now to come up on 04.02.2015 for the cross-examination of deferred witness namely Peet Ram as well as evidence of defendants at own responsibility.”

A perusal of the impugned order reveals that sufficient opportunity was granted to the plaintiffs to enable them to conclude

their evidence but they had failed to do so.

Thus, in the facts and circumstances of the present case,
the learned trial Court rightly closed the evidence of the plaintiffs.

Hence, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 30, 2015
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