

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

(115)

CR No.4990 of 2015

Decided on: August 07, 2015.

Manjit Singh

.... Petitioner

Versus

Jagdish Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Rajan Bansal, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

The trial Court in exercise of its jurisdiction to adjourn the case has given an opportunity of PW-3 to be cross-examined by the defendant and the plaintiff has been given a chance to produce entire evidence on 06.08.2015.

Learned counsel for the petitioner-defendant informs that now the case is fixed for 10.08.2015 for cross-examination of PW-3 and remaining evidence of the plaintiff. Counsel for the petitioner has vehemently contended that the suit is pending for the last five years and the plaintiff is unnecessarily prolonging the proceedings by getting adjournments on flimsy grounds.

I have heard learned counsel for the petitioner and I am of the opinion that the Court is already taking steps to adjourn the case for short dates for completion of the proceedings. This Court cannot, in any manner, pass any order of expeditious disposal of the case from retrospective effect but can certainly issue a direction prospectively for expeditious disposal.

Learned counsel for the petitioner submits that the Court should close the evidence of the plaintiff by order. He places reliance on **M/s Shiv Cotex Vs. Tirgun Auto Plast P. Ltd and others, 2011 (4) RCR (Civil) 807**, in support of his contentions that the circumstances of the present case warrant that a direction be issued to the trial Court to close the evidence.

I have heard learned counsel for the petitioner and gone through the judgment cited by him. In the said judgment, the trial Court, closed the evidence of the plaintiff after he having not produced the evidence despite three opportunities. The High Court had in the exercise of powers under Section 100 of CPC had interfered in the concurrent findings of the judgment and decree of the Courts below and had set aside the judgment of Courts below and remanded the case for fresh decision. The order of the High Court was set aside on the ground that misplaced sympathy has been shown to the plaintiff without their being question of law involved.

Counsel for the petitioner also places reliance on **Amarjit Singh Vs. Sh. Kultar Singh and others, 2012 (3) RCR (Civil), 455** whereby the order passed by the trial Court closing the evidence after giving 11 effective opportunities to the defendant before closing the evidence, was upheld by the High Court. I have considered the judgment cited by counsel for the petitioner and I am of the opinion that the trial Court is already considering expeditious disposal of the case as the Court is not adjourning the matter for a period more than 15 days at one time. The discretion of the Court to adjourn the case cannot be interfered with by issuing a direction

unless until there are clear irregularities apparent on the record. No direction can be issued to the trial Court to close the evidence of the plaintiff. However, a direction can be issued that trial Court shall make an endeavour to expeditiously dispose of the case by giving fair opportunities to both the parties to produce the evidence.

Disposed of at this stage with the aforesaid observations with liberty to the petitioner to approach this Court in case there is any patent procedural error on the part of the trial Court while deciding the case.

(M.M.S. BEDI)
JUDGE

August 07, 2015
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