

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

**Civil Revision No.5339 of 2015 (O&M)
Date of Decision: August 20, 2015**

Lal Singh

.... Petitioner

vs.

Malkiat Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 04.08.2015 (Annexure P-6) passed by learned Addl. Civil Judge (Sr. Divn.), Malerkotla, vide which in a suit of recovery of ₹6,02,000/-, the application of the petitioner-defendant for permission to lead additional evidence to place on record the report dated 23.07.2015 of Rana Bansal, handwriting and fingerprint expert, was dismissed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

The history of the case shows that the case was filed way back in the year 2011. Now, four years have elapsed. The history

of adjournments sought by the defendant as narrated by the lower court is reproduced as under:

“--- Defendant took numerous opportunities to conclude his evidence but he failed to conclude his evidence. On 21.11.2013 case was adjourned to 13.12.2013 for evidence of defendant subject to payment of Rs.500/- as costs. On 13.12.2013 costs was paid and Sh. H.L. Goel, Adv. had filed power of attorney on behalf of defendant and on his request case as adjourned to 09.01.2014 for evidence of defendant. On 09.01.2014 again no DW was present and defendant give undertaking to conclude his entire evidence on the next date of hearing i.e. 23.01.2014 failing which his evidence deemed to be closed. On 23.01.2014 DW Gurbachan Singh was present but defendant moved application under Order 6 Rule 17 CPC for amendment of written statement and that application of defendant was dismissed on 07.05.2014 and case was adjourned to 21.05.2015 for evidence of defendant. Even on 21.05.2014 no evidence has been led by defendant on the ground that he has filed revision against order dated 07.05.2014, so case was adjourned to 02.07.2014 for evidence of defendant. On 02.07.2015 Dws Gurbachan Singh and Lal Singh were present and examined. On 11.03.2015 order dated 30.01.2015 passed by the Hon'ble High Court received vide which CR No.3910 of 2014 filed by defendant has been dismissed and case was adjourned to 20.03.2015 for evidence of defendant subject to last opportunity. Thereafter defendant took three effective opportunities but he did no

conclude his evidence and case was adjourned to 12.05.2015 for evidence of defendant subject to payment of Rs.500/- as costs. On 12.05.2015 costs was paid and again Id. counsel for defendant gave undertaking to conclude entire evidence on the next date of hearing i.e. 08.07.2015 failing which evidence of defendant deemed to be closed by order, so case was adjourned for 08.07.2015 for evidence of defendant subject to last opportunity and undertaking by counsel for defendant that defendant will conclude his evidence. Even on 08.07.2015 no evidence was led by defendant and evidence of defendant has been closed by order.--”

I am of the view that the abovenoted discussion itself shows that the defendant used every possible method to get the adjournments. He gave undertaking but did not close the evidence. Ultimately, the evidence was closed by orders. Now, he wants to place on record the report of the expert, which will not be helpful to him. Since, he did not seek permission to produce the report of the said expert, the present application appears to have been filed to delay the disposal of the suit.

In view of the matter, I am of the view that there is no illegality or infirmity in the impugned order.

The present revision petition is dismissed accordingly.

August 20, 2015
sarita

(KULDIP SINGH)
JUDGE