

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

**Civil Revision No.5490 of 2015
Date of Decision: August 26, 2015**

Nishan Singh

.... Petitioner

vs.

Bhajan Kaur alias Bhajno and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Aseem Kalia, 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 order dated 07.08.2015 (Annexure P-7) passed by learned Civil Judge (Sr. Divn.), Tarn Taran, vide which the evidence of the defendant-petitioner was closed by orders.

Brief facts of the case are that in the present case, earlier the evidence of the defendant-petitioner was closed by orders. The defendant-petitioner approached this court by way of filing Civil Revision No.3572 of 2015. This Court vide order dated 25.05.2015, at the request of learned counsel for the defendant-petitioner, ordered to grant one effective opportunity to the defendant-petitioner to enable him to conclude his evidence at his own risk and responsibility and also subject to payment of costs.

Before the lower court, the defendant-petitioner sought the presence of one Baldev Singh but he did not appeared. Thereafter, he was summoned throughailable warrants, which were received back unexecuted. Therefore, in terms of the order of this Court, further adjournment was declined.

A perusal of the impugned order shows that earlier also, the evidence of the defendant-petitioner was closed by orders. He approached this Court with a request that one opportunity may be granted to him to conclude his evidence. Accordingly, he was given one effective opportunity to conclude his evidence at his own risk and responsibility by this Court.

Then the defendant-petitioner sought to procure the presence of Baldev Singh. He simply applied for the summons which were unserved. Baldev Singh was then ordered to be summoned throughailable warrants of arrest but hisailable warrants were received back unexecuted. As per order of this Court, the evidence was to be produced by the defendant-petitioner at his own risk and responsibility.

It being so, in terms of the order of this Court, one opportunity has been granted to the defendant-petitioner. Now, he cannot complain that asailable warrants were received back unexecuted, therefore, he should be granted one more opportunity.

Learned counsel for the defendant-petitioner has relied upon the authority of this Court in case of ***“Rakesh Khanna and others vs Mohini Khanna and others”***, 2014(3) PLR 92, where it

was held that when the bailable warrants had been issued by the trial Court, this step of issuance of bailable warrants against the witnesses of the petitioners by the trial Court should have been taken to logical conclusion.

Reliance has also been placed upon the authorities of this Court in cases of *“Mr. Deepak Chadha vs Mrs. Rupa Anand & Anr.”*, 2011(1) PLR 378, *“Mahant Jagmohan Singh vs Mahant Karamjit Singh”*, 2013(2) PLR 708 and *“Janki Narayan Bhoir vs narayan Namdeo Kadam”*, 2003(1) R.C.R.(Civil) 409.

I am of the view that the facts of the present case are different. Here by virtue of the order passed by this Court, one opportunity was granted to the defendant-petitioner at his own risk and responsibility, which has already been availed by him.

Therefore, no further indulgence of this Court in the impugned order is called for.

Hence, the present revision petition is dismissed.

August 26, 2015
sarita

(KULDIP SINGH)
JUDGE