

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6706 of 2015
Date of decision: 09.10.2015

Karam Singh

... Petitioner

Versus

Ambala Central Cooperative Bank Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kuldip Singh, Advocate, for the petitioner.

1. Whether reporters of local papers 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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 30.07.2015, rendered by Civil Judge (Jr. Divn.), Ambala, the evidence of the petitioner/plaintiff had since been closed by order. The conclusion recorded in this regard reads as thus:

“No PW is present despite last opportunity. Adjournment is requested by the learned counsel for the plaintiff. Heard. Issues in this case were framed on 10.07.2014 and thereafter plaintiff has availed several opportunities including last opportunity. Today was the last opportunity. On the earlier several dates’ adjournment were granted to the plaintiff with the direction that if he failed to produce his evidence same be deemed to be closed by Court order, but despite this fact plaintiff has failed to conclude his evidence. This conduct of the plaintiff shows that he has unnecessarily sought

adjournments in order to prolong the proceedings. Hence, I do not deem it fit to adjourn the case further for evidence of the plaintiff. Thereafter, evidence of the plaintiff is closed by Court order. Now to come up on 02.09.2015 for evidence of the defendant to be produced at own responsibility.”

Ex facie, the petitioner-plaintiff has been remiss and negligent in pursuing his cause, but the fact remains that if he is still not granted one effective opportunity to lead and conclude his evidence, he shall not only suffer an irreparable loss but that might also result in miscarriage of justice. And, as regards the delay and inconvenience, respondent could always be compensated by awarding suitable costs.

That being so, the order dated 30.07.2015 is set aside and the revision petition is disposed of in the following terms, without issuing any notice to the respondents to avert any further delay and expenses that the respondents shall have to incur in defending these proceedings:

- i) Petitioner-plaintiff shall be granted one effective opportunity by the trial court to lead and conclude his entire evidence on the date that shall be fixed in this regard;
- ii) In case the petitioner-plaintiff fails to lead his entire evidence on the date fixed, his evidence shall be deemed to have been closed and no further opportunity shall be granted;

iii) This, however, shall be subject to costs of ₹
15,000/-, which shall be condition precedent.

October 9, 2015
Rajan

(Arun Palli)
Judge