

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8297 of 2015 (O/M)
Date of decision : 7.12.2015

Bhupinder Singh

..... Revisionist

Versus

Rajiv Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Jasuja, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 30.10.2015 (Annexure-P-6), passed by the learned Additional Civil Judge (Senior Division), Abohar, vide which the request of the defendant (revisionist herein) for grant of time to lead evidence of the defendant, was rejected.

Heard.

The evidence of the defendant (revisionist herein) was closed by orders by the learned Additional Civil Judge (Senior Division), Abohar, vide order dated 23.9.2015. The revisionist by

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way of Civil Revision No. 6696 of 2015 approached this Court. This Court, vide order dated 8.10.2015, without issuing the notice to the respondents, granted one more opportunity to the defendant No. 1- Surjit Singh to examine himself, subject to payment of Rs. 10,000/- as costs, to be deposited with the District Legal Aid Fund, Fazilka.

It is stated that the costs of Rs. 10,000/-, imposed by this Court, has been paid before the lower Court. A request was made on 30.10.2015 before the lower Court that he (defendant) should be granted time after 15.3.2016 i.e. nearly five months, to appear before the Court for leading evidence. The lower Court is of the view that five months' time cannot be given. Therefore, he (defendant) was given one month's more time to make the statement and the case was adjourned to 9.12.2015. The said order is impugned in the present revision.

The learned counsel contends that due to some difficulty, defendant/respondent No. 4 himself could not come to India and, therefore, he has executed special power of attorney in favour of his son Vishal Singh Sandhu to visit India. The copy of ticket has also been annexed. There is no reason that said Vishal Singh Sandhu, son of defendant/respondent No. 4, is also having some difficulty, for which he could not come to India immediately.

The perusal of ticket shows that it was purchased on 25.11.2015 for 3.3.2016 i.e. 4 months and 9 days later. It goes to

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show that defendant/respondent No. 4 is playing hide and seek with the Court to delay the disposal of the case. He wants time of his choice to put in appearance and examine himself. If defendant/respondent No. 4 is worried about the case, he could purchase the ticket and come to India on the first available date to depose in the Court. Rather, he used the order of this Court to seek five months' adjournment, which was rightly declined by the lower Court. In these circumstances, there are no merits in the present revision. However, as one time concession after 9.12.2015, only 15 days' time will be given to defendant/respondent No. 4 or his attorney to come and depose in the Court. No further time on any ground shall be granted.

With these observations, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

7.12.2015
sjks