

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

CR No. 8302 of 2014 (O&M)

Date of decision: 16.10.2015

Gurmeet Kaur and ors.

... Petitioners

versus

Chanan Singh and ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.S. Sarna, Advocate, for the petitioners.

Mr. Jaswinder Singh Bagga, Advocate,
for respondents No.1 and 3.

K.Kannan, J.

Defendant No.2, who has literally taunted the court by his non-availability and allowed the case to be adjourned from time to time, was faced with an adverse order closing his evidence and posting the case for arguments. The counsel's justification was that he was busy elsewhere in the High Court and could not be present on the day when the case was posted. The reproduction of the court proceedings from 25.09.2014 to 05.12.2014 when the impugned order is passed would show that the defendant has been making himself scarce or the defendant witness was present but the counsel was busy elsewhere. As the case got adjourned on 12 occasions, on the 13th occasion, the court observed that even Order 17 Rule 1 CPC provided only three opportunities to be given and there was no justification given for grant of any adjournment. I find no error in the order passed and all the same, I would still give an opportunity to the defendant to produce

evidence as their case is for adjudication relating to immoveable property and the defendant should have the benefit of his version of the case to put in court. For the sheer inconvenience caused to the court and plaintiff, I impose ₹25,000/- as costs to be paid within a period of two weeks from today as a condition for setting aside the order already passed. If the amount is not paid as directed, the order already passed shall stand confirmed.

Impugned order is set aside and revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

16.10.2015
sukhpreet