

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

CR No.1154 of 2016

Date of decision : 16.02.2016

Lalita Devi and others

.....Petitioners

Versus

Sunil Garg and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Ms. Payel Mehta, Advocate for petitioners.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 21.01.2016, passed by learned Civil Judge (Junior Division) Barnala, whereby the evidence of the petitioners-defendants has been closed by order.

2. Learned counsel for the petitioners contended that the valuable rights of the petitioners are involved in the present suit. Learned trial court has wrongly closed the evidence of the petitioners. She contended that in the interest of justice, the petitioners may be granted one more opportunity to conclude the evidence.

3. I have duly considered the aforesaid contentions.

4. The petitioners have enclosed Annexure P-2, the copy of the interim orders passed by the learned trial court, which shows that the learned trial court has afforded ten effective opportunities to the petitioner to conclude the evidence. There is no material to show that the petitioners-defendants have summoned any witness by depositing the diet money etc. Thus, the witnesses were to be produced by the petitioners themselves. Only petitioner No.2 Kunal Aggarwal has stepped into the witness box. His statement also could be completed after many adjournments as his examination-in-chief was recorded on 16.11.2015. Thereafter, the case was adjourned to 30.11.2015, 09.12.2015, 04.01.2016, 08.01.2016, 11.01.2016 and finally his cross-examination was conducted on 21.01.2016. All these adjournments have to be granted as he had not appeared to face the cross-examination, which shows that sufficient and adequate opportunities were granted to the petitioners to conclude their evidence but they have neglected to produce their evidence. Thus, no fault can be found with the impugned order vide which their evidence has been closed by the learned trial court by order. Reference can be made to case *M/s Shiv Cotex Vs. Tirgun Auto Plast P. Ltd. and others 2011(4) RCR (Civil) 807*.

5. Thus, keeping in view my aforesaid discussion, the present revision petition has no merits and the same is hereby dismissed.

16.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**