

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2273 of 2016

Date of Decision: 31.03.2016

Narender Sharma

... Petitioner(s)

Versus

Raj Kumar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. J.P.Sharma, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the orders dated 15.10.2015 (Annexure P1) and dated 16.3.2016 (Annexure P2), passed by learned Civil Judge (Junior Division), Narnaul vide which evidence of the petitioner was closed and application for additional evidence was dismissed.

Learned counsel for the petitioner submitted that the Court below had not given due opportunity to the petitioner to lead evidence, which was closed vide order dated 15.10.2015 and thereafter an application filed by him for leading additional evidence was also dismissed vide order dated 16.3.2016 and the said orders are liable to be set aside.

Having considered the facts of the case and submissions made by learned counsel for the petitioner, this Court is of the considered view that evidence of the petitioner was closed by order on 15.10.2015 under the compelling circumstances when petitioner failed to conclude his evidence, despite availing more than reasonable opportunities including last opportunity having been granted for the purpose. More so, petitioner was burdened with the payment of costs and the same was also not paid. Thus, there is absolutely no reason to set aside the said order.

Thereafter, present petitioner filed an application for leading additional evidence and by implication, petitioner wanted that order dated 15.10.2015 be set aside and the Court below has rightly dismissed the application that there was no ground to lead additional evidence because he failed to lead the evidence when due opportunity was given. Petitioner was put to caution by granting last opportunity for his evidence and in that process, petitioner was burdened with payment of costs and present petitioner, being defendant, failed to lead the evidence and also to make payment of costs. There was absolutely no ground to lead additional evidence in such like case and the Court below has rightly declined the application.

In view of above, present petition stands dismissed, *in limine*, being devoid of any merit.

(Shekher Dhawan)
Judge

March 31, 2016

"DK"