

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2478 of 2016

Date of Decision: 06.04.2016

M/s Exhibitor Instruments

... Petitioner(s)

Versus

Dr. Jai Parkash Sharma School & College

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

- | | | |
|----|---|------------|
| 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. Sanjay Jain, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the orders dated 9.9.2015 and 2.11.2015, respectively, whereby evidence of the petitioner was closed by Court order.

Learned counsel for the petitioner submitted that the Court below passed the orders without considering the fact that affidavit of plaintiff was already on the file and examination-in-chief had already been recorded. On 9.9.2015, the case was fixed for cross-examination of petitioner and the Court below closed the petitioner's evidence, resulting into grave injustice to the petitioner and as such, orders dated 9.9.2015 & 2.11.2015 be set aside.

Having considered the submissions made by learned counsel for the petitioner and the orders dated 9.9.2015 & 2.11.2015, passed by the Court below, this Court is of the considered view that petitioner was given more than reasonable opportunities to conclude the evidence. But petitioner failed to take any positive step to conclude the evidence and the Court below was constrained to pass the orders under challenge. It has rightly been observed by the Court below in the orders under challenge that plaintiff was given 15 adjournments before passing the impugned orders. The Court below has rightly observed that issues were framed in the case on 4.4.2012 and the case was fixed for plaintiff's evidence and thereafter 15 adjournments were availed and one witness was produced, whose cross-examination was deferred. Thereafter, more than 12 adjournments were given but no witness was present. More so, petitioner was put to caution as last opportunity for plaintiff's evidence was ordered on three different dates. Hence, it cannot be said under any circumstance that the petitioner was not given due opportunity to lead the evidence, rather petitioner had been given more than reasonable opportunities to lead the evidence but petitioner failed to do so and only thereafter, the Court below passed the impugned orders. Thus, there is no ground to set aside the orders under challenge and present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

April 6, 2016
"DK"