

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Revision No.28 of 2016

Date of Decision:- 07.01.2016

Radhe Shyam

.....Petitioner

Versus

Labhu Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Present:- Mr. Swapan Shorey, Advocate,
for the petitioner.

SHEKHER DHAWAN, J

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 15.12.2015, passed by Civil Judge (Sr. Divn.) Mansa, whereby the evidence of petitioner-defendant was closed by Court order.

2. Learned counsel for the petitioner submitted that issues were framed in this case on 12.11.2011 and plaintiff was allowed to lead evidence till 29.05.2015. Thereafter, the case was fixed for defendant's evidence on 15.07.2016. There was no intentional delay on the part of petitioner to conclude the defendant's evidence but the learned trial Judge closed the defendant's evidence by Court order vide order dated 15.12.2015,

which reads as under: -

“No DW is present. Last opportunity was granted twice to the defendant to conclude their entire evidence. But of no avail. Sufficient opportunities have been given. As such, evidence of defendant was closed by order. Case is adjourned to 22.12.2015 for rebuttal evidence and arguments.”

3. Having considered the submissions made by learned counsel for petitioner, this Court is of the considered view that defendant was given more than reasonable opportunities to conclude the evidence but defendant failed to conclude the evidence. The case was fixed for defendant's evidence for the first time on 29.05.2015 and the date fixed for defendants was 15.07.2015. Defendant failed to conclude the evidence on adjourned dates i.e. 15.07.2015, 31.07.2015, 19.08.2015, 02.09.2015, 18.09.2015, 29.09.2015, 09.10.2015, 23.10.2015, 13.11.2015, 27.11.2015, 01.12.2015 and on 15.12.2015. In this process, the trial Court passed the order on 27.11.2015 that the next date would be last opportunity for defendant's evidence and still defendant failed to conclude the evidence on 01.12.2015. Thereafter, again on 01.12.2015 defendant failed to conclude the evidence and trial Court yet granted another adjournment declaring the next date i.e. 15.12.2015 would be the last opportunity for defendant evidence.

4. In the light of this background, the trial Court was justified while passing the order thereby closing the defendant's evidence by Court order as more than reasonable opportunities had already been given to the defendant to conclude the evidence. There is nothing to set aside the said order and the present revision petition is without any merit and same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

January 07, 2015
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