

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

CR No. 2986 of 2016

Date of decision :28.04.2016

Vijay Kumar Gautam

..... Petitioner

Versus

Bhupinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Petitioner in person.

- 1. Whether Reporters of 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.**

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 30.03.2016 passed by the learned Additional Civil Judge (Senior Division), Mukerian, vide which the application moved by the petitioner for striking off the defence of the respondents has been dismissed.

2. Petitioner contended that the respondents have availed number of opportunities to produce the evidence. Even, the costs were imposed. But, they had not concluded their evidence. He contended that defendant no.3 is the brother of defendants no.1 and 2 and was earlier *ex parte*. He

moved an application for setting aside the *ex parte* proceedings, which was allowed by the learned trial Court, which has resulted in the delay of disposal of the suit. He further contended that defendant no.2 is still *ex parte*, then he will come forward and will further delay the disposal of the suit. Thus, he further pleaded that in view of the provisions of Order 17 Rule 1 of the Code of Civil Procedure, 1908 (for short CPC), the evidence of the respondents-defendants should have been closed.

3. I have duly considered the aforesaid contentions.

4. The impugned order reveals that when respondents-defendants no.1, 4 to 6 did not adduce any evidence despite three effective opportunities, the costs were imposed. In the meanwhile, defendant no.3 moved an application for setting aside the *ex parte* proceedings. Said application was allowed vide order dated 11.11.2015 subject to payment of Rs. 1000/- as costs. The learned trial Court has already ordered in order to expedite the disposal of suit that only two effective opportunities shall be granted to the defendant-respondent for concluding the cross-examination of the witnesses examined by the plaintiff-petitioner and three number of opportunities shall be granted to defendants-respondents to conclude their evidence. The learned trial Court is already conscious of the fact that there should be limit to the opportunities to lead the evidence.

5. Consequently, I do not find any illegality in the impugned order passed by the learned trial Court.

6. Thus, the present revision petition having no merits, is hereby dismissed.

28.04.2016

S.khan

**(DARSHAN SINGH)
JUDGE**