

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

**Civil Revision No.3386 of 2016 (O&M)**

**Date of decision : 12.05.2016**

**Ranga Singh**

.....Petitioner

*Versus*

**Teja Singh**

...Respondent

**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: Mr. A. S. Mann, Advocate for petitioner.

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**DARSHAN SINGH, J.**

The present revision petition has been preferred by the petitioner-plaintiff against the order dated 30.03.2016, passed by the learned Civil Judge (Junior Division), Jalalabad whereby the evidence of the plaintiff has been closed by order.

2. Learned counsel for the petitioner contended that sufficient opportunities were not provided to the petitioner to adduce the evidence. The plaintiff has filed the suit for specific performance of the agreement to sell. The petitioner wanted to examine the Registration Clerk of the office of Sub Registrar, Jalalabad who was a summoned

witness and she did not appear for the reasons unknown to the petitioner. Thus, the evidence of the petitioner was wrongly closed.

3. I have duly considered the aforesaid contentions, but I do not find any substance therein.

4. The petitioner has reproduced the gist of the interim orders in Para No.2 of the revision petition, which shows that on 11.12.2015, no witness of the petitioner-plaintiff was present and case was adjourned to 15.01.2016. On 15.01.2016 again no evidence of the petitioner-plaintiff was present and case was adjourned to 10.02.2016. On 10.02.2016 again no evidence of the petitioner-plaintiff was present and case was adjourned to 24.02.2016. The last opportunity was given to the petitioner-plaintiff to produce the evidence. On 11.02.2016, the petitioner moved an application for summoning the Registration Clerk, Office of the Sub Registrar, Jalalabad when the last opportunity was already granted. On 24.02.2016 again no witness of the petitioner-plaintiff was present despite last opportunity. The summons issued to the Registration Clerk was received back with the report that she was already bound in the office of the DC, Fazilka. The case was adjourned to 11.03.2016 subject to last opportunity. On that day two witnesses were present and examined. Learned counsel for the petitioner-plaintiff has given the categorical undertaking to the trial Court that he will produce the entire evidence on the next date of hearing and in case he fail, his evidence may be deemed to have been closed and the case was adjourned to 30.03.2016. On 30.03.2016, again no evidence of the plaintiff was

present. That was the third last opportunity and the evidence of the petitioner-plaintiff was closed by the learned trial Court by order. So, the evidence of the petitioner-plaintiff has been closed as per the undertaking given by his counsel in the trial Court. Thus, he cannot be allowed to raise any grievance against the closure of his evidence by the learned trial Court. Moreover, the petitioner-plaintiff had already availed six opportunities to lead evidence. Thus, it cannot be said that the sufficient opportunities have not been granted to the petitioner-plaintiff by the learned trial Court before closure the evidence. In case *M/s Shiv Cotex Vs. Tirgun Auto Plast P. Ltd. and others 2011(4) RCR (Civil) 807*, the evidence of the plaintiff was closed as he was failed to produce the evidence despite three opportunities. The Hon'ble Apex court held that the suit of the plaintiff was rightly dismissed. The case in hand is even on better footings as in the instant case the petitioner has availed six opportunities and the evidence of the petitioner has been closed as per the undertaking given by his counsel in the trial Court.

5. Thus, I do not find any illegality in the impugned order warranting any interference by this court. Therefore, the present revision petition being devoid of merits is hereby dismissed.

**12.05.2016**

*sunil yadav*

**( DARSHAN SINGH )  
JUDGE**