

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

CR No. 4228 of 2016

Decided on.10.08.2016.

Pankaj Kansal

.....Petitioner

Versus

Sudesh Kumar Mahajan and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. P.K.Jain, Advocate
 for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 23.05.2016 passed by the learned Civil Judge (Jr. Division), Ludhiana, vide which the application moved by the petitioner-defendant no.1 under Order 17 Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') for closing the evidence of the plaintiff-respondent has been dismissed.

2. Learned counsel for the petitioner contended that the issues in this case were framed on 27.01.2012. Thereafter, number of opportunities were granted to the plaintiff, but no evidence was produced by him. He contended that the plaintiff is a practising lawyer at Ludhiana and he is exercising his influence as such to prolong the proceedings. He further contended that the learned trial Court has re-framed the issues on 22.04.2015 and again started giving opportunities to the plaintiff. He contended that as per law, the plaintiff was entitled only three opportunities to produce the evidence but numerous opportunities have been granted to the plaintiff. Thus, he contended that the evidence of the plaintiff-respondents should have been closed by the learned trial Court.

3. I have duly considered the aforesaid contentions.

4. From the orders reproduced in the revision petition, it appears that an application under Order 1 Rule 10 CPC was filed by the plaintiff for impleading Rim Jin Kansal and Seenam Kansal as parties to the suit. It appears that they were added as defendants no.8 and 9 and fresh written statement was filed on their behalf. Due to filing of the fresh written statement by them, fresh issues were framed by the learned trial Court vide order dated 22.04.2015.

5. The perusal of the impugned orders shows that the petitioner wants to take the benefit of his own wrongs. The impugned order shows that the plaintiff has already filed his affidavit. He is also appearing to face the cross-examination. But, the cross-examination by learned counsel for the petitioner-defendant is not being conducted. On the query put by this Court, learned counsel for the petitioner has informed that now, the part cross-examination of the plaintiff has been conducted. It shows that the counsel for the petitioner-defendant in the trial Court is not coming forward to cross-examine the plaintiff. Though, he has attended the Court for this purpose on each and every date as mentioned by the learned trial Court.

6. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

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

(DARSHAN SINGH)
JUDGE

10.08.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No