

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

-.-

CR 4945 of 2016 (O&M)
Date of decision: 04.08.2016

Yogesh Gandhi

..... Petitioner

Versus

Shanti Devi Through LRs

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Johan Kumar, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition has been directed against orders dated 11.05.2016 (Annexure P5) and 18.07.2016 (Annexure P6) passed by the Additional Civil Judge (Junior Division), Faridabad whereby evidence of the petitioner/defendant has been closed and application for additional evidence (Annexure P3), has been dismissed.

Counsel for the petitioner has submitted that a serious prejudice is likely to be caused to the petitioner/defendant, in case, he is not allowed to tender himself in the witness-box. It is further submitted that one opportunity may be allowed to the petitioner to examine himself and he is ready to bear reasonable costs to compensate other side for delay, if any, attributable to him.

I have heard counsel for the petitioner and perused the paper book but find that the petition sans merit and deserves to be dismissed.

Perusal of order dated 11.05.2016, closing evidence of the

petitioner/defendant would reveal that the defendants have availed ample opportunities for concluding evidence including last opportunity but failed. In the application filed for adducing additional evidence (Annexure P3), no reasons much less tangible are forthcoming as to why the petitioner being a party in the lis could not step into the witness box for his examination despite the trial Court has afforded 16 effective opportunities including 9 last opportunities for adducing evidence by the defendants including the petitioner. In this view of the matter, I do not find any error much less illegality in the impugned orders as would call for intervention.

Dismissed.

(Rekha Mittal)
Judge

04.08.2016
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

