

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

CR No.5044 of 2016(O&M)

Decided on. 24.10.2016.

Avtar Singh

.....Petitioner

Versus

Bohar Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Kamal Narula, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 08.07.2016 passed by the learned Civil Judge (Sr. Division), Ferozepur, vide which the evidence of the plaintiff-petitinoer has been closed by order.

2. I have heard Mr. Kamal Narula, Advocate, learned counsel for the petitioner and have carefully gone through the paper book.

3. Learned counsel for the petitioner contended that the plaintiff-petitioner has produced his evidence on all the dates fixed by the learned trial Court. The petitioner is ready to file the affidavit in support thereof. He contended that the plaintiff-petitioner will conclude his remaining evidence at his own responsibility on one date of hearing and pleaded that at-least one opportunity may be granted to the petitioner to adduce the evidence.

4. I have duly considered the aforesaid contentions.

5. The copy of the interim orders brought on record shows that the petitioner-plaintiff has availed more than eight opportunities to lead his evidence before the learned trial Court. The plea raised by learned counsel for the petitioner that on each and every date the witnesses of the plaintiff were present is against the judicial record. Learned counsel for the petitioner has not been able to point out any interim order placed on record which could show that the witnesses of the petitioner-plaintiff were returned unexamined. Rather, the majority of the interim orders shows that no evidence of the plaintiff was present. Thus, the learned trial Court has awarded more than eight opportunities to the plaintiff to conclude his evidence, which is more than sufficient. Thus, I do not find any illegality in the impugned order closing the evidence of the plaintiff-petitioner.

6. Consequently, the impugned order does not suffer from any illegality. Therefore, it does not call for any interference by this Court.

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

(DARSHAN SINGH)
JUDGE

October 24, 2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No