

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

CR No. 5125 of 2016(O&M)

Decided on.11.08.2016.

Simru

.....Petitioner

Versus

Shital Dass and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ravi Malik, Advocate
for Mr. Sanjeev Kr. Panwar, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 16.07.2016 passed by the learned Addl. Civil Judge (Sr. Division), Naraingarh, vide which the application moved by the petitioner for recalling the order dated 08.07.2016 closing the evidence of the defendant has been dismissed.

2. Learned counsel for the petitioner contended that the petitioner-defendant was an old man of more than 90 years of age. He was bed ridden and was not in a position to attend the Court. Due to which his evidence was closed.

3. I have duly considered the aforesaid contentions.

4. The perusal of the impugned order shows that on 08.07.2016, the counsel for the petitioner-defendant has sought an adjournment on the ground that defendant was bed ridden and was unable to walk. Learned trial Court has given an opportunity to learned counsel for the defendant to place on file any medical document to show the health status of the petitioner. It is further mentioned in the order that some relative of the

petitioner had appeared in the Court on that date i.e. 08.07.2016 and had deposed that the petitioner can walk in perfect condition and he is not bed ridden. In view of the false plea raised by the petitioner before the learned trial Court, the evidence was closed. It is not disputed that the petitioner has already availed eight opportunities and not a single witness was examined by him. So, the petitioner has already availed more than sufficient opportunities to produce the evidence.

5. 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.

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

11.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No