

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

**CR No.5615 of 2016
Decided on.31.08.2016.**

Tarlok Singh

.....Petitioner

Versus

Nachhatar Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Vikas Bali, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 02.07.2016 passed by the learned Civil Judge (Jr. Division), Ludhiana, vide which the evidence of the plaintiff-petitioner has been closed by the learned trial Court.

2. Learned counsel for the petitioner contended that the witnesses of the petitioner had come present on each and every date except on the last two dates. He contended that the plaintiff-petitioner wanted to examine the concerned clerk of the Labour Department along with the complete record regarding allotment of the house in dispute in the name of the petitioner. He further contended that even as per the orders of the Court, the diet money was already deposited vide receipt dated 09.06.2016. He contended that once the official witness was ordered to be summoned and the diet money was deposited, it was the duty of the Court to have summoned that witness. So, the evidence of the petitioner has been wrongly closed.

3. I have duly considered the aforesaid contentions.

4. I do not find any substance in the contentions raised by learned counsel for the petitioner. The issues in this case were framed on 11.07.2014. The impugned order shows that the petitioner-plaintiff has availed 16 opportunities to conclude the evidence. On 20.05.2016, learned counsel for the plaintiff has suffered a statement to the effect that he will conclude his entire evidence on the next date of hearing failing which the evidence of the plaintiff-petitioner shall be deemed to be closed by order. But, it appears that in order to wriggle out of the said undertaking given by the learned counsel for the plaintiff-petitioner before the learned trial Court, an application has been moved to summon the concerned clerk of the office of Labour Department along with the allotment record of the house in dispute. Once, the counsel for the petitioner had suffered the categorical statement before the learned trial Court on 20.05.2016 that he will conclude the evidence on the next date of hearing failing which the evidence of the plaintiff-petitioner may be deemed to be closed. Plaintiff-petitioner was not competent to move the application for summoning of the official witness. There is no material on record to show that any such application was moved by the plaintiff-petitioner to summon any witness immediately after framing of the issues or even thereafter within reasonable time. This application has been moved after availing 16 opportunities that too when the counsel for the plaintiff-petitioner has already given an undertaking to the Court that if no evidence is brought on the next date of hearing his evidence may be deemed to have been closed. It appears that this application has been allowed by the learned trial Court in routine because as per the practice such applications are not put up before the learned Presiding Officer along with the case file. As already

mentioned, it appears to be a clever move on the part of the petitioner to wriggle out from the undertaking given by his counsel in the learned trial Court. So, this application cannot create any right in favour of the petitioner-plaintiff to become entitle for availing further opportunities to lead the evidence. The plaintiff-petitioner has already availed 16 opportunities to conclude the evidence which is more than adequate.

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.

31.08.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No