

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 8055 of 2014

Date of Decision: 08.04.2016

M/s Walaiti Ram Raj Kumar and Others

... Petitioner(s)

Versus

Nikka Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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|----|---|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner(s).

Mr. Sherry K. Singla, Advocate
for the respondent(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 14.11.2014, passed by learned Civil Judge (Junior Division), Nabha, whereby evidence of the petitioner/defendants was closed by Court order in a suit for recovery. Order dated 14.11.2014 reads as under:

"No DW present inspite last opportunity, Ld. Counsel for the defendant sought one more adjournment for leading defendant evidence but from the perusal of the case it transpired that vide order dated 15.1.14 the case

was postponed for evidence of respondent and since then number of opportunities has been granted to defendant to conclude its entire evidence including last chance granted vide order 30.5.14 and 4.7.14. In tenure of 11 months defendant has only examined one witness and has failed to examine any other witness inspite 16 effective opportunities so this court seems no justifiable ground to adjourn the case for evidence of the defendant. As such evidence of the defendant is hereby closed by order. Now to come upon 21.11.14 for rebuttal evidence if any and arguments.”

Learned counsel for the petitioners submitted that reasonable opportunity has not been given to the petitioners to lead evidence because on some of the dates, the case was fixed for arguments on the application under Order 6 Rule 17 CPC, which was filed on 22.8.2014 and the same was decided on 17.10.2014 and the Court below also taken the said adjournments to be next date fixed for defendants' evidence. Learned counsel for the petitioners submitted that in the interest of justice, present petition be accepted and order dated 14.11.2014 be set aside.

Having considered the submissions made by learned counsel for the petitioners, this Court is of the considered view that petitioners have already been granted more than reasonable opportunities to lead their evidence. Even if plea taken by learned counsel for the petitioners is taken into consideration that for a short

period i.e. from 22.8.2014 till 17.10.2014 the case remained pending for consideration of application under Order 6 Rule 17 CPC still the petitioners were given more than reasonable opportunities to lead the defendants' evidence. In that process, petitioners were also put to caution by declaring the next date 30.5.2014 to be the last opportunity. Thereafter, another last opportunity was ordered by the Court below for 4.7.2014. Thereafter, the Court below passed the impugned order dated 14.11.2014 as petitioners were not leading the evidence without any justification. Therefore, there is no illegality in the order under challenge.

In view of above, present petition is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

April 8, 2016
"DK"