

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

Civil Revision No.3472-2017

Date of decision: May 15, 2017

Kishan Lal

...Petitioner

Versus

Ramanand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Randhawa, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 05.05.2017, passed by the trial court, whereby evidence of the petitioner/plaintiff has been closed by order by rejecting application for issuing non-bailable warrants of Commissioner, Income Tax, Gurgaon.

Learned counsel for the petitioner submits application has been erroneously rejected by the court below. He further submits that the order is unsustainable in law, and therefore, deserve to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, a suit for declaration and permanent injunction was filed by the plaintiff/petitioner against the defendant/respondents. Sufficient opportunities including several last opportunities were granted to the plaintiff to lead his evidence. However, he has already examined more than 22 witnesses and ultimately on 5.5.2017, his evidence was closed by court order. At that stage, plaintiff moved application for issuing non-

bailable warrants against Commissioner, Income Tax, Gurgaon for producing the summoned record. Said application has been dismissed by the trial court vide impugned order. I find no infirmity with the order passed. Sufficient opportunities had already been granted to the plaintiff to lead his evidence and about ten times last opportunities were granted to him. As he failed to conclude his evidence, same was closed by order. I find no ground to grant any further opportunity to the plaintiff/petitioner, as it appears that plaintiff wants to delay the proceedings of the suit without any reasonable cause. Revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 15, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No