

CR No. 435 of 2017 (O&M)
DECIDED ON: JANUARY 23, 2017

....PETITIONERS

.....RESPONDENTS

By virtue of instant petition preferred under Article 227 of the Constitution of India, petitioners have sought the setting aside of impugned order dated September 14, 2016 (Annexure P-5) passed by learned Civil Judge (Jr. Division), Sohna in a suit bearing Case No. 53VD/02.07.2016 titled as ***Jai Bhagwan Singh vs. Gaj Raj Singh & Ors***, whereby, the evidence of the petitioners/defendants has been closed by orders of the Court as well as order dated January 03, 2017 (Annexure P-8) passed by Civil Judge (Jr. Division), Sohna, whereby, an application for recalling the afore-said order has been

dismissed.

A close scrutiny of the file transpires that respondent/plaintiff closed his evidence on April 29, 2015. Thereafter, petitioners/defendants were asked to adduce their evidence and the case was adjourned for July 01, 2015. Subsequently, the case was adjourned at least for 15 times for the evidence of petitioners/defendants that too with clear cut three last opportunities with cost but the petitioners/defendants failed to conclude their evidence. Ultimately, the evidence of the defendants/petitioners was closed by order on September 14, 2016. Thus, it cannot be said that the petitioners/defendants were not afforded an ample opportunity to adduce and conclude their evidence. Rather, it can be safely concluded that petitioners/defendants availed of sufficient opportunities to adduce their evidence but did not conclude the same.

In the given circumstances, this Court does not find any infirmity or illegality in the impugned orders. The same are held to legally and factually justified. As such, no interference of this Court is called for.

Keeping in view the afore-said discussion and finding no merit in the instant revision petition, it stands dismissed.

JANUARY 23, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No