

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.07.2017****CR No.4415 of 2017**

Baj Singh & another

...Petitioner

Vs.

Asha Rani & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil Chawla, Advocate, for the petitioner.

Mr. Sagar Aggarwal, Advocate, for the caveators.

RAJIV NARAIN RAINA, J. (ORAL)

Plaintiffs are in revision under Article 227 of the Constitution assailing the order dated 30.01.2017 (Annex P-2), whereby cross-examination of DW-2, DW-3 & DW-4 is treated as "NIL" and the order dated 16.05.2017 (Annex P-5), whereby the application for recalling the said witnesses for cross-examination has been declined.

I have heard learned counsel at some length and with their assistance perused the case file.

The impugned order dated 16.05.2017 (Annex P-5) reveals that the trial Court dismissed the application filed under Section 151 CPC observing that the plaintiffs were given due opportunities and sufficient time to cross examine the witnesses, but they have sought time on various dates. The plaintiffs have also not complied with the previous orders granting opportunity to cross-examine the witnesses subject to costs not paid. The conduct of party is mala fide, thought the Judge. The learned trial Court has rightly passed the order dismissing the application as not maintainable. Till

date costs have not been deposited a fact pointed out by Mr. Aggarwal for the defendants on caveat. In the absence of due and proper compliances of the zimni orders passed by the trial Court granting opportunity and last opportunity to the plaintiffs to cross-examine the witnesses, any further latitude given will not be deserving and thus, this Court can offer no help to those who do not help themselves and their conduct affords no ground to interfere and undermine judicial orders.

In view thereof, I do not find any patent illegality or irregularity in the order passed by the learned trial Court, which may warrant interference by this Court in the present revision petition. Accordingly, the petition is ordered to stand dismissed with costs of ₹20,000/- to be deposited with the Mediation & Conciliation Centre annexed to this Court within a fortnight.

17.07.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>