

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4545 of 2017
Date of decision: 14.07.2017

Bhagat Piara Singh

... Petitioner

Vs.

Subash Chander Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Parveen K. Kataria, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant civil revision petition, under Article 227 of the Constitution of India, at the hands of plaintiff, is directed against two orders of even date i.e. 05.04.2017 (Annexures P-1 and P-2), whereby the evidence of the plaintiff was closed by order of the Court and also his application under Order XXVI Rule 10-A and Rule 18-B read with Section 30 and 151 of the Code of Civil Procedure was dismissed.

Heard learned counsel for the petitioner.

It is a matter of record and not in dispute that during the course of leading his evidence in affirmative, plaintiff-petitioner availed as many as 28 effective opportunities. It is not the pleaded or argued case on behalf of the petitioner that any fact, including the Will dated 24.07.2011 and Will dated 04.09.2011, came to his notice at a later point of time. Further, the petitioner is

trying to prove his case with the help of the Court, which cannot be permitted. Since the petitioner is plaintiff in the suit, onus is on him to prove his case by leading cogent and convincing evidence. The learned trial Court cannot facilitate proving of the case of either of the parties. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned orders and the same deserve to be upheld.

Once all the abovesaid facts were well known to the petitioner right from day one, it was for him to produce the relevant evidence including for the purpose of proving the abovesaid Wills. The learned trial Court proceeded on a liberal approach, while granting as many as 28 effective opportunities to the petitioner to lead his evidence, including the last opportunity. In this view of the matter, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned orders and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out patent illegality or perversity in the impugned orders, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned orders have been found based on sound reasons and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned orders, the same deserve to be upheld. The revision petition having been found wholly

misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

14.07.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No