

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5495 of 2017 (O&M)
Date of decision: 21.08.2017

Varinder Puri

... Petitioner

Vs.

Sushil Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Hemender Goswami, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 23.09.2016 (Annexure P-1) passed by the learned trial Court, whereby evidence of the plaintiff was closed by Court order and also the order dated 06.12.2016, whereby application of the plaintiff for recalling the abovesaid order dated 23.09.2016 was dismissed, plaintiff has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned orders.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner, on asking of the Court, has fairly pointed out that as many as 10 effective opportunities had already been availed by the plaintiff-petitioner, before passing of the impugned order dated 23.09.2016 (Annexure P-1) by the learned trial Court. He had availed three opportunities, only for the purpose of cross-examination of PW1, but PW1

was not presented for the said purpose. Under these circumstances, the learned trial Court was left with no other option except to pass the impugned order dated 23.09.2016, closing the evidence of the plaintiff. It seems that the plaintiff was not serious in pursuing the case and was taking the Court for a ride. It cannot be permitted. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is not the pleaded or argued case on behalf of the petitioner that he was not granted sufficient opportunity by the learned trial Court, before passing the impugned order. Nobody can be permitted to misuse the process of law. In the instant case, petitioner has been found proceeding on a totally casual approach, as if he was not supposed to conclude his evidence, in spite of having been granted numerous opportunities. Further, the impugned order was passed as far back as on 23.09.2016. Petitioner did not come to this Court immediately thereafter and sought recalling of the abovesaid order. Said application for recalling of the abovesaid impugned order dated 23.09.2016 was also dismissed by the learned trial Court vide impugned order dated 06.12.2016 (Annexure P-2). Thereafter also, the petitioner did not come to this Court in time. Thus, the conduct of the petitioner shows that he was not interested in pursuing the case in right earnest. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order

passed by the learned trial Court, 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 order passed by the learned trial Court has been found based on sound reasons, which deserves 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 the present revision petitions is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, both the abovesaid revision petitions stand dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

21.08.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No