

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

CR No.7883 of 2016.

Date of Decision: 24.01.2017.

Paramjeet Singh

....Petitioner.

VERSUS

Baljeet Singh

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Madhu Dayal, Advocate for
Mr. Gursimran Singh, Advocate Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner is aggrieved of the order dated 05.10.2016 passed by learned Civil Judge (Senior Division), Ludhiana vide which his evidence was closed by court order.

The submissions made by Ms. Madhu Dayal, learned counsel for the petitioner have been considered.

Learned counsel for the petitioner submits that after the case was adjourned for 05.10.2016 the petitioner had summoned two witnesses. One of the witness was an advocate who was served through his clerk but he did not appear. However, learned trial Court did not take note of the same and proceeded to close the evidence of the petitioner by order.

The impugned order reflects that as many as 16 opportunities had been availed by the petitioner before 05.10.2016 and it was on the seventeenth opportunity that the Court was constraint to close his evidence

by order. No witness was served for the date fixed. Service of an Advocate through a third person, may be his clerk, was not due service and therefore no penal process was required to be issued against the witness. It can be said without hesitation that the petitioner had availed much more than adequate opportunity for adducing his evidence. It was unfortunate for him that even after availing 17 opportunities he was unable to conclude his evidence. In fact, the facts indicate that his only object was to delay the proceedings.

Thus, finding absolutely no justification for granting any further opportunity to the petitioner, the instant petition is dismissed.

(SNEH PRASHAR)
JUDGE

24.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**