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

**Civil Revision No.8678 of 2016
Date of Decision: 23.08.2017**

JAI KISHAN & ANR

.....Petitioners

Vs

RAJ PAL

...Respondent

CORAM: HON'BE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arun Sharma, Advocate
for the petitioners.

Mr. J.P. Chaudhary, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed the order dated 13.12.2016 passed by Civil Judge (Sr. Divn.) Karnal vide which the petitioners/defendants were not permitted to lead their evidence.

[2]. Petitioners had earlier filed Civil Revision No.8308 of 2016 before this Court and the same was decided vide order dated 08.12.2016 by allowing the petitioners to examine themselves subject to the following conditions:-

"1. The petitioners would supply a copy of their affidavit to be tendered in examination in chief to

counsel opposite in advance.

2. *They shall ensure their presence before the trial court on the date fixed i.e. 13.12.2016 for examination and cross examination.*

In case the petitioners fail to comply with the aforesaid directions, the petition shall be deemed to be dismissed.”

[3]. For examination and cross-examination of the witnesses 13.12.2016 was the date fixed before the trial Court. The affidavits of the defendants namely Jai Kishan and Phool Kumar were produced on record on 13.12.2016 after lunch session. The delay in filing the affidavits was sought to be explained on the ground that the certified copy of the order dated 08.12.2016 passed by the Court in earlier CR No.8308 of 2016 was not supplied by the copying agency in time.

[4]. The trial Court has recorded a finding that the copies of affidavits were provided by the defendants on 13.12.2016 at 3.30 p.m. Apparently the conditions formulated by the Court in the aforesaid previous revision petition was not complied with. It was also held in the said revision petition that in case the petitioners failed to comply with the aforesaid directions, the petition would be deemed to be dismissed.

[5]. In view of above, the remedy, if any available to the

petitioners was to seek extension of time in CR No.8308 of 2016 or any other direction in the facts and circumstances of the case. The said order cannot be diluted in the present revision petition.

[6]. The revision petition is accordingly dismissed.

August 23, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No