

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR No.953 of 2017 (O&M)  
Date of decision: 09.08.2017

Multan Singh

... Petitioner

Vs.

Basant Lal Dua

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Sushil Bhardwaj, Advocate  
for the petitioner.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Feeling aggrieved against the order dated 11.01.2017 passed by the learned trial Court, whereby his evidence was closed by Court order, defendant has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

Before proceeding further, it would be just and appropriate to refer to the impugned order dated 11.01.2017 passed by the learned trial Court, available at page 10 of the paper book and the same reads as under: -

*“No DW is present. Previous costs not paid. An adjournment has been sought. Highly opposed on the ground that the defendant has failed to conclude entire evidence despite availing number of*

*sixteen effective opportunities including last opportunity. Heard. Finding, no justification to adjourn the case for the same proceeding, evidence of defendant is closed by court order. Now to come up on 23.1.2017 for rebuttal evidence, if any, and arguments.”*

A bare perusal of the impugned order would show that the defendant-petitioner is incorrigible. He was not interested in concluding his evidence. As many as 16 effective opportunities, including last opportunity, had been granted to him, but he failed to conclude his evidence and that too for no good reasons. 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.

Even during the course of hearing, learned counsel for the petitioner could not point out any justified reason, because of which the petitioner-defendant could not conclude his evidence at an earlier point of time. No difficulty as such has been pointed out, which might have restrained the petitioner from concluding his evidence. Again, there is no reason as to why he did not pay the previous costs imposed on him by the learned trial Court. Sixteen opportunities were more than enough, but if the petitioner was not interested in producing and concluding his evidence, nobody could help him any further. 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.

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.

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 has been found in the impugned order passed by the learned trial Court, the same deserves 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, instant revision petitions stands dismissed, however, with no order as to costs.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

09.08.2017

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No