

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

**CR No.2942 of 2018 (O&M)
Date of Decision: May 04, 2018**

Raj Pal

...Petitioner

Versus

Subedar Rameshwar Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Fateh Saini, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

One Subedar Rameshwar Lal now respondent filed a contempt petition against Raj Pal, present petitioner for violating orders of the Court dated 02.02.2015 for *ad interim* injunction and during the course of proceedings the respondent availed of four effective opportunities for leading evidence but failed to conclude the same and through impugned orders dated 12.4.2018 the Court of learned Civil Judge (Junior Division), Ambala closed the evidence.

Appreciating the submissions and the records, it is not the case of the petitioner that he has filed list of witnesses to be examined by him in his evidence. In the light of provisions of law laid down Order 16 Rule 1 CPC that on or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to

such persons for their attendance in Court and present petitioner has kept it open at his sole discretion to examine as and when he wants to examine any witness. Having availed of sufficient opportunities and without filing list of witnesses which he wants to examine it has been rightly concluded by the Court below in the impugned order that in spite of sufficient opportunities the respondent has failed to conclude his evidence and, thus, no further opportunity was necessitated. In the dispensation of justice, the Courts are required to be sensitive to speedy disposal of the matters and to the mind of this Court the petitioner has availed of sufficient opportunities to complete evidence but did not bother to do so and his act appears to be intentional rather with an intent to unduly prolong the proceedings and cause harassment and annoyance to the other party. Learned counsel for the petitioner could not bring forth any illegality or perversity in the order passed by the Court below. Thus, the present revision petition being hopelessly without any merits stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

May 04, 2018

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