115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3061 of 2018 (O&M)
Date of decision : May 08, 2018

Charanjit Singh ..... Petitioner

Versus

Gram Panchayat and another ..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Balpreet Sidhu and Ms. Manzra Dutta, Advocates for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 23.02.2018 (Annexure P-11) passed by learned Civil Judge (Jr. Divn.), Gurdaspur, vide which after granting nine effective opportunities, the evidence of the plaintiff-petitioner was closed by orders and the case was fixed for evidence of the defendants for 19.03.2018.

Heard.

Learned counsel for the petitioner has argued that in this case the plaintiff-petitioner has deposited the diet money on 04.09.2017 and the summons of the witnesses were issued by the Court on 06.03.2018 for 19.03.2018, which are Annexures P-12 and P-13.

A perusal of the interim orders on file shows that at least on the first four dates, the plaintiff-petitioner did not lead any evidence at all. Therefore, it was on the fifth opportunity that that two witnesses were produced and on the same day, an application for summoning two other witnesses was filed.

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It comes out that thereafter, the summons of witnesses were not obtained. On 10.11.2017, last opportunity was granted for 31.01.2018. Since 31.01.2018 was declared as holiday, therefore, another last opportunity was granted to the plaintiff-petitioner. The plaintiff-petitioner failed to obtain the summons and produce the witnesses. Regarding the said application and summons, it is common practice that the application is filed before the Reader of the Court, who in routine appears to have obtain the order of the Court for deposit of diet money. The Court also appears to have issued summons in routine. Before 06.03.2018, the evidence of the plaintiff-petitioner was already closed and he could not have allowed to summon the witnesses.

Under the amended Civil Procedure Code, 1908 (for short 'CPC'), only three opportunities are allowed to be granted to the parties to conclude their respective evidence. On the first four opportunities, no evidence was led. Therefore, a strong message has to be sent that if the parties failed to comply with the amended provisions of CPC, a strict order is to be passed by the trial Court. Thus, there is no illegality or infirmity in the impugned order.

As such, the present revision petition is dismissed. Since, the main petition has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

May 08, 2018
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Whether speaking / reasoned Yes

Whether Reportable: No

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