

CR No.3112 of 2018(O&M)
Date of Decision: 03.07.2018

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Mr. A.S. Barnala, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have challenged the orders dated 11.12.2017 and 07.02.2018 passed by Civil Judge (Junior Division), Barnala, whereby evidence of the petitioners/defendants was closed by order of the Court and the application moved by the defendants for setting aside the order dated 11.12.2017 was also dismissed.

[2]. Vide order dated 11.12.2017, evidence of the defendants was closed by order of the Court on the ground that despite seven opportunities having been granted to the defendants, no evidence was led. After closing the evidence of the defendants, the case was adjourned for rebuttal and arguments. Petitioners remained unsuccessful in the application

for setting aside the aforesaid order when application was dismissed by the Civil Judge (Junior Division), Barnala on 07.02.2018.

[3]. Learned counsel for the petitioners submits that issues were framed on 18.03.2016 and thereafter, the case was adjourned for 04.04.2016 for evidence of the plaintiffs. Plaintiffs availed 19 opportunities to conclude their evidence and thereafter, the evidence of the defendants started and the same was closed within four months.

[4]. Perusal of the record would show that seven opportunities were availed by the defendants for leading their evidence, but no evidence was led. The case was fixed for 18.08.2017 for evidence of the defendants and thereafter, five adjournments were granted, but despite that no witness was examined by the defendants. It was on six successive date, defendants got Nachhatar Singh examined and his cross examination was deferred for production of documents. On the next date, the application was moved for examination of the defendant, which was allowed. Defendants did not complete the evidence as the witness did not turn up for cross examination. Owing to the aforesaid situation, the evidence of the defendants was closed by order of the Court.

[5]. Since examination-in-chief of Nachhatar Singh has

already been conducted and in view of facts on record, I deem it appropriate to grant one opportunity to the defendants to complete cross examination of Nachhatar Singh on the date fixed subject to payment of costs of Rs.15,000/- to be paid to the plaintiffs/respondents. Payment of cost shall be the conditions precedent for granting indulgence in the aforesaid context.

[6]. Disposed of.

July 03, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No