

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

Sr. No.247

**C.R. No.3599 of 2018 (O&M)
Date of decision: 28.11.2018**

Blue Beacon Infosys and another

....Petitioners

versus

Shri Om Parkash Bansal Educational Social Welfare Trust and another
....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S. Pannu, Advocate
for the petitioners.

Mr. Gitish Bhardwaj, Advocate
for the respondents.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 19.04.2018 passed by the Additional Civil Judge (Senior Division), Amloh (for short – the Trial Court) through which the petitioners' evidence was ordered to be closed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the respondents filed a suit seeking therein recovery of Rs.30 lakhs from the petitioners. On being put to notice, the petitioners/defendants appeared before the Trial Court and filed their written statement refuting the claim set up by the respondents/plaintiffs. The Trial Court then framed issues on which the respondents/plaintiffs led their entire evidence. Thereafter, the

petitioners/defendants were granted as many as 22 opportunities to lead their entire evidence but they failed to do so resulting in the passing of the impugned order through which their evidence was ordered to be closed. It is such order which is the subject matter of challenge in the present proceedings.

Learned counsel for the parties have been heard.

It is not disputed that before the impugned order closing the petitioners/defendants' evidence was passed they had already been granted as many as 22 effective opportunities to lead their evidence. One more opportunity is sought by them for doing the needful. In the facts of the present case, the prayer made on behalf of the petitioners, is found to be highly unreasonable especially when no reasons are forthcoming either from the record or from learned counsel for the petitioners as to why in the 22 effective opportunities granted to them, the petitioners could not lead their evidence. For the laxity on the part of the petitioners it is only they who are to suffer. Rather in the afore facts, it is found that the Trial Court has been over indulgent in granting opportunities to the petitioners to lead their evidence.

Dismissed.

(DEEPAK SIBAL)
JUDGE

November 28, 2018
Jyoti 1

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