

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 439 of 2018

Date of Decision: 19.12.2018

Smt. Arkiyan alias Gurbachan Kaur

.....Petitioners

Vs.

General Public and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: None.

AMOL RATTAN SINGH, J. (ORAL)

On 03.04.2018, the following order had been passed:-

“Learned counsel for the petitioner seeks short accommodation to go through the judgment in 2008 (2) RCR (Civil) 835.

Adjourned to 23.04.2018.”

Thereafter, learned counsel for the petitioner either did not turn up to address arguments or had sought adjournments.

On 22.11.2018, the following order had been passed:-

“Though arguments have been addressed by learned counsel for the petitioner, he seeks further time to firstly cite any law to the effect that with the attorney of the Principal not being aware of a particular fact, he would still be entitled to testify in respect of that fact (the fact in this case being events that took place as regards the petitioners' 'forefather' Chuhra, at the time of partition of the country in the year 1947), as also to address arguments in terms of the order of this Court dated 03.04.2018, on the basis of the judgment reported as 2008 (2) RCR (Civil) 835.

Adjourned to 10.12.2018.”

On 10.12.2018, the following order had been passed:-

Since this petition came up for hearing on 23.1.2018, it had been adjourned on 4 dates in succession on a request made either by learned counsel for the petitioner or on his behalf up till 9.7.2018, on which date this petition was adjourned for the last time to 22.11.2018.

On that date, the following order was passed:-

Though arguments have been addressed by learned counsel for the petitioner, he seeks further time to firstly cite any law to the effect that with the attorney of the Principal not being aware of a particular fact, he would still be entitled to testify in respect of that fact (the fact in this case being events that took place as regards the petitioners' 'forefather' Chuhra, at the time of partition of the country in the year 1947), as also to address arguments in terms of the order of this Court dated 03.04.2018, on the basis of the judgment reported as 2008 (2) RCR (Civil) 835. Adjourned to 10.12.2018.”

Today yet another request for adjournment has been made on the ground that the counsel is out of station. Adjourned for the last time to 19.12.2018. It is made clear that if the petition is not argued even on that date of hearing, it would be deemed to have been dismissed in default with no further order required to be passed by this Court in that regard.”

On 10.12.2018 a request for an adjournment had been made on the ground that the counsel was out of station, with the petition therefore adjourned till today for the last time, the order also having made it clear that if it was not argued today also, it would be deemed to have been dismissed-in-default, with no further order required to be passed by this Court in that regard.

Today, even on second call, none is present for the petitioner.

Consequently, the order dated 10.12.2018 becomes operative, with this petition dismissed-in-default.

December 19, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.