

**117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CR No.582 of 2018 (O&M)
Date of decision : January 29, 2018**

Paramjit Singh

..... Petitioner

Versus

Paramjit Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Manmohan Kaur, Advocate 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)

Petitioner-defendant has impugned the order dated 09.08.2017 (Annexure P-1) passed by the learned Addl. Civil Judge (Sr. Divn.), Fatehgarh Sahib, vide which the evidence of the petitioner-defendant was closed by orders.

Heard.

Learned counsel for the petitioner-defendant does not dispute that as many as 27 opportunities were granted to the petitioner-defendant to lead his evidence.

The copies of the interim orders have been placed on file, which show that first date for the evidence of the defendant was 21.09.2016. For the first time, last opportunity to conclude the evidence was granted to the defendant on 05.10.2016 for 20.10.2016. Thereafter, it is apparent that one MHC Narinder Singh was summoned, but did not appear and his presence was enforced through issuance of bailable warrants. Ultimately, he was examined on 13.02.2017 and last and final opportunity was given, subject to condition that no further opportunity shall be granted. Such last opportunity continued to be granted for the next nine dates, after which it

appears that one MHC Piara Singh was summoned but did not appear. He

was also summoned through bailable warrants. Thereafter, again five opportunities were granted and every time it was mentioned that it was the last opportunity but the defendant-petitioner failed to conclude his evidence. Therefore, it was closed by orders vide impugned order.

I am of the view that much more than required number of opportunities have been granted. Last opportunity was granted to the defendant-petitioner on several occasions as discussed above. Only MHC Narinder Singh was summoned through bailable warrants when he did not appear. It appears that MHC Piara Singh was not summoned earlier when MHC Narinder Singh was summoned and examined. Therefore, MHC Piara Singh appears to have been summoned to delay the disposal of the case. The trial court has already taken a very liberal approach of the matter. No further opportunity is required to be given.

It comes out that earlier also petitioner had approached this Court by way of filing CR No.8321 of 2017, stating that his application for appointment of Local Commissioner was dismissed. The said petition was dismissed in *limine*. Thereafter, an application for additional evidence was filed by the defendant-petitioner before the trial court, which was dismissed on 06.10.2017.

It appears that purpose of the defendant-petitioner is to linger on the case for indefinite period. Therefore, there is no ground to interfere in the impugned order.

As such, the present petition is dismissed in *limine*.

(KULDIP SINGH)
JUDGE

January 29, 2018

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No