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

**Civil Revision No.6880 of 2018 (O&M)
Date of Decision: 12.09.2019**

GIAN CHAND

.....Petitioner

Vs

RAJESH KUMAR

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ramandeep Singh, Advocate for
Mr. Amit Chaudhary, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. On 09.10.2018, this Court observed that though there was no obvious reason to interfere in the impugned order, but still learned counsel for the petitioner with reference to number of opportunities granted to the plaintiff submitted that one and last final opportunity subject to payment of costs be granted. Notice of motion was issued and interim order was also passed.

[2]. On 13.11.2018, learned counsel for the respondent appeared and sought time to address arguments. The case was adjourned for 03.04.2019. On 03.04.2019, the turn of the case did not reach and the same was adjourned to 14.08.2019. On 14.08.2019, there was no representation on behalf of the

petitioner and following order was passed by this Court:-

“Perusal of order dated 02.08.2018 would show that one more opportunity was granted to the defendant for leading defendant evidence at his own responsibility, subject to cost(s) of Rs.300/- to be deposited with DLSA, Ambala. Subsequent orders dated 09.08.2018 and 17.08.2018 would show that the amount of cost(s) was not deposited by the defendant. Order dated 29.08.2018 and all subsequent orders passed thereafter are silent about factum of payment of cost(s) by the defendant for further prosecution of the case.

In view of Shri Anand Parkash vs Shri Bharat Bhushan Rai and another , 1982 (1) R.C.R. (Rent) 1 and Manohar Singh vs. Shri D.S. Sharma & Ors ., 2007 (26) R.C.R. (Civil) 798 (Delhi), in the event of non-depositing of cost(s), further prosecution of the case by the defendant cannot be granted.

Since, there is no representation on behalf of the petitioner, therefore, I deem it appropriate to adjourn this case with an observation that on the adjourned date, learned counsel for the petitioner would apprise this Court about the factum of payment of cost(s) as imposed vide order dated 02.08.2018 at any subsequent point of time.

Adjourned to 12.09.2019.

Interim order to continue, till the next date of hearing.”

[3]. Perusal of the aforesaid order would show that some query was to be answered by learned counsel for the petitioner. Due to the decision of the Bar Association, none appeared on 14.08.2019, still this Court granted indulgence and adjourned the case for today with an observation that learned counsel for the petitioner would apprise this Court about factum of payment

of costs as imposed vide order dated 02.08.2018 at any subsequent point of time.

[4]. The aforesaid information has not been furnished by learned counsel for the petitioner despite two pass overs before lunch. Now, learned counsel appearing on behalf of the arguing counsel Mr. Amit Chaudhary seeks further time.

[5]. In view of facts and circumstances of the case, I do not wish to consider any prayer for adjournment.

[6]. This revision petitioner is accordingly dismissed for non-prosecution.

September 12, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No