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

CR No. 1874 of 2019

Date of Decision: 19.03.2019

Mam Raj and others

-Petitioners

Vs

Kshma Rani and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sonia G. Singh, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J.

1. This revision petition has been preferred by the petitioners against the order dated 19.11.2018 passed by Civil Judge (Junior Division), Gurugram vide which evidence of the petitioners was closed by order of the Court.

2. Perusal of the record would show that on 24.01.2018, RW Rajpal Singh was present but he was not cross-examined. Cross-examination was deferred at his own request as he was not feeling well. The case was adjourned to 20.02.2018 for cross-examination of aforesaid Rajpal Singh and remaining RWs at own responsibility. On 20.02.2018, no RW was present. Adjournment was sought by the petitioners and the same was granted. The case was adjourned to 13.03.2018 for cross-examination of Rajpal Singh and remaining RWs at own

responsibility. Last opportunity was granted. The case was accordingly further adjourned to 24.04.2018 and same situation persisted on that day also. The case was further adjourned to 28.05.2018 for RWs at own responsibility with last opportunity.

3. The Presiding Officer was to avail casual leave on 28.05.2018, therefore, the case was taken up on 25.05.2018 and was further adjourned to 02.07.2018. On 02.07.2018, no RW was present. In the larger interest of justice, one more opportunity was granted. The case was adjourned to 26.07.2018 for the evidence of the petitioners, subject to payment of costs of Rs.700/- to be deposited in District Legal Services Authority, Gurugram. Last opportunity earlier granted was ordered to remain intact. It was made clear that no further opportunity will be granted in any circumstance. On 26.07.2018 again, no RW was present.

4. Learned counsel for the petitioners pleaded that due to his illness, he could not issue summon to the witness. He requested for more time. In view of statement made by learned counsel for the petitioners, the case was adjourned to 09.08.2018 with last opportunity to remain intact. The costs imposed vide order dated 02.07.2018 was deposited. Again on 09.08.2018, no RW was present. The case was further adjourned with the recital that no further adjournment shall be given in any circumstance. Last opportunity was ordered to

remain intact. The case was further adjourned to 13.09.2018.

5. On 13.09.2018, no RW was present. The case was further adjourned to 27.09.2018, subject to payment of costs of Rs.500/- to be deposited with District Legal Services Authority, Gurugram. It was made clear that in the event of producing no evidence, the evidence shall be deemed to be closed on the adjourned date. It was also made clear that no further adjournment shall be given in any circumstance. The case was adjourned to 27.09.2018.

6. The orders on record would show that on 06.10.2018, factum of payment of costs as imposed on 06.10.2018 was deposited. Summons issued to RW Naib Nazir, District Courts, Karnal were received back with the report that complete details were not provided with regard to number of registered deed and estate name due to which required record could not be brought before the Court. Summons issued to RW Ratan Chand, Chowkidar received back with the report of death. The case was adjourned to 25.10.2018 with last opportunity, failing which evidence of the petitioners was deemed to be closed. It was also made clear that no further opportunity shall be granted in any circumstance. On 25.10.2018 also, same situation persisted and the case was adjourned to 19.11.2018 with similar recital.

7. On 19.11.2018, impugned order came to be passed. RW Ram Kishan was present and his examination-in-

chief was recorded partly. Further examination-in-chief was deferred at his request as he did not bring complete record. The witness was discharged and was bound down for 27.11.2018 with a direction to bring the requisite record.

8. Since number of adjournments with deemed fiction were granted on earlier dates, therefore, in view of order dated 25.10.2018, evidence of the petitioners was closed by order of the Court and the case was adjourned for the purposes of statement of RW1 as well as for arguments.

9. In view of aforesaid attending facts and circumstances of the case, it is not a fit case for grant of further indulgence in favour of the petitioners who remained pathetic on numerous occasions. Even the Court granted indulgence with deemed fiction and that too with a recital of last opportunity on number of occasions. Petitioners did not avail the opportunities granted by the Court.

10. No further indulgence can be granted in favour of the petitioners.

11. The impugned order cannot be faulted with.

12. This revision petition is accordingly, dismissed.

19.03.2019

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |