

107

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

**Civil Revision No.2968 of 2019
Date of Decision: 07.05.2019**

Smt. Maimuna and others

.....Petitioners

Vs

Jakaria and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arvind Kashyap, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.

[1]. Petitioners/defendants have preferred this revision petition against the order dated 11.04.2019 and 04.04.2019 passed by the Addl. Civil Judge (Sr. Divn.) Ferozepur Jhirka, District Mewat to the extent of closing evidence of the defendants by order of the Court.

[2]. Vide order dated 04.04.2019, the trial Court recorded that the amount of costs previously imposed was not deposited. No DW was present. The case was adjourned to 11.04.2019 for remaining evidence of the defendants at their own responsibility subject to further costs of Rs.1,000/- to be deposited in SDLC, Ferozepur Jhirka by the defendants. Last opportunity was

granted and it was made clear that in case, if no evidence is brought by the defendants on the next date of hearing i.e. on 11.04.2019, their evidence would be deemed to be closed.

[3]. Perusal of the order dated 11.04.2019 would show that defendants got the summons issued *qua* one Sher Singh despite the fact that there was no order of issuance of summons to Sher Singh. Perusal of the orders dated 07.03.2019, 14.03.2019, 26.03.2019 and 04.04.2019 would show that no such request for issuance of summons to Sher Singh was entertained or made. On 14.03.2019, learned counsel for the defendants made a request for examination of only one witness namely Anand Kumar, who could not appear due to some bereavement in the family.

[4]. On 26.03.2019, an adjournment was sought only for the examination of the private witness. Learned counsel for the defendants made a statement that Anand Kumar had gone out on account of some personal work as such he could not appear. Again he requested for further adjournment. In all the defendants had availed 15 opportunities to conclude the evidence of the defendants. After grant of last opportunity on 07.03.2019, defendants were accommodated even for five subsequent opportunities. Thereafter order dated 04.04.2019 was passed and it was ordered that in case no evidence is

brought by the defendants on 11.04.2019, the evidence would be deemed to be closed. Since the evidence was closed with deeming fiction, therefore, in my considered opinion there was no necessity to even record anything when no evidence/witness came forward on behalf of the defendants.

[5]. The impugned orders passed by the trial Court cannot be faulted with, even if there was some clerical omission in recording the date of order of 07.03.2019 as 07.08.2019.

[6]. For the reasons recorded hereinabove, I deem it appropriate not to interfere in the impugned orders passed by the trial Court. This revision petition is found to be totally devoid of merits and is accordingly dismissed.

May 07, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No