

113

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

**Civil Revision No.4016 of 2019
Date of Decision: 03.07.2019**

Surinder Kumar

.....Petitioner

Vs

Wazir Chand and others

....Respondents

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

Present: Mr. R.S. Ghuman, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 24.10.2017 passed by the Addl. Civil Judge (Sr. Divn.) Kapurthala, closing the evidence of the plaintiff by order of the Court and order dated 14.05.2019 passed by the Civil Judge (Sr. Divn.) Kapurthala vide which the application for recalling of order dated 20.04.2017 passed by the Court was dismissed.

[2]. Perusal of the record would show that the suit for possession of the suit land, declaration and permanent injunction was filed by the plaintiff on 24.12.2008. Issues were framed on 20.08.2009. Thereafter plaintiff availed 100

opportunities to conclude his evidence. Owing to the opportunities and circumstances of the case, the trial Court vide order dated 24.10.2017 closed evidence of the plaintiff by order of the Court. The said order was not challenged by the petitioner in any Court of law except to seek recalling of the same by way of moving application before the same Court. Now after dismissal of aforesaid application, order dated 24.10.2017 is also sought to be assailed.

[3]. Plaintiff tendered his affidavit in examination-in-chief on 10.10.2011 and thereafter, he was even cross-examined on 05.08.2013 and his further cross-examination was deferred for want of some documents. Thereafter, plaintiff remained silent and did not appear in the witness box to face cross-examination, rather examined 14 other witnesses. After closure of evidence, defendants have also concluded their evidence.

[4]. Defendants have already concluded their evidence and the case is fixed for arguments on merits. At this stage, plaintiff wants to revert back to a situation prior to examination of his 14 witnesses and conclusion of defendants evidence. Plaintiff wants to be cross-examined after knowing the testimonies of his own 14 witnesses and the case of the defendants.

[5]. Plaintiff has already availed 100 opportunities. After conclusion of evidence of the defendants, no indulgence can be

granted in favour of the petitioner that too in view of the fact that order dated 24.10.2017 is also sought to be challenged in the present revision petition after a delay of about 1½ years. The trial Court has rightly concluded in the order dated 14.05.2019 that allowing the cross-examination of the plaintiff/petitioner at this stage would amount to reopening the trial. Owing to the conduct of the plaintiff/petitioner, no indulgence can be granted in this revision petition.

[6]. In view of above, this revision is found to be totally devoid of merits and is accordingly dismissed.

July 03, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No