

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

**Civil Revision No.4600 of 2019
Date of decision: 25.07.2019**

Jasbir Singh

.....Petitioner

Versus

Karan Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abhinav Sood, Advocate,
for Mr. Vikram Singh, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge is to the order dated 12.07.2019 (Annexure P-4) passed by the Civil Judge (Junior Division), Sohna, whereby evidence of defendant-petitioner has been closed by order.

Learned counsel for the petitioner states that vide order dated 22.05.2019 (Annexure P-3), application filed by defendant-petitioner for permission to lead additional evidence was allowed and one opportunity was granted to tender copy of voter list of village Ranika Singhola, subject to payment of costs of Rs.3000/- to be deposited with the SDLSC, Sohna. However, subsequently, one date was given to the petitioner to lead this evidence as per order dated 10.07.2019 and finally, vide impugned order dated 12.07.2019 (Annexure P-4), his evidence has been closed by order. Learned counsel prays that one last opportunity be granted to the petitioner to lead his evidence.

After hearing learned counsel for the petitioner, this petition

09.08.1996, which was decreed exparte vide judgment dated 04.12.2006 (Annexure P-1) and defendants were restrained from interfering in the possession of the plaintiffs over the suit land. Since the suit was decreed exparte, on appeal, the matter was remanded back to the trial Court and before the trial Court, defendant-petitioner made an application to lead additional evidence, which was allowed on 22.05.2019. While allowing this application, it was observed that defendant-petitioner had availed 09 effective opportunities to conclude his evidence. Ultimately, one opportunity was granted to the defendant to lead additional evidence by placing on record alleged voter list of village Ranika Singhola subject to costs of Rs.3000/- to be deposited in SDLSC, Sohna. Thereafter, vide order dated 10.07.2019, it has been observed that the defendant had not deposited the previous costs of Rs.500/-. However, one adjournment was granted to him to conclude entire evidence. Even, vide this order it was clarified that, if petitioner fails to bring the aforesaid voter list on record, the case would proceed further. But, despite passing of the said order, defendant-petitioner had failed to lead his evidence. Therefore, his evidence has been closed by order vide impugned order dated 12.07.2019 (Annexure P-4). In these circumstance, this Court is of the view that trial Court has rightly closed the evidence of defendant-petitioner by order. No illegality, much less perversity, has been found therein warranting interference by this Court.

No merits.

Dismissed.

25.07.2019
ajp

(RITU BAHRI)
JUDGE