

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124)	CR no.50 of 2020	
	Date of Decision: 27.01.2020	
Babu Singh		...Petitioner
	Versus	
Labh Singh and others		Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Gupta, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner challenges the order of the learned trial court dated 06.11.2019, by which his application for leading additional evidence in the form of examination of one witness, who is stated to be his co-villager, i.e. Shamsheer Singh, has been dismissed, (such application having been made in relation to an application filed under Order 39 Rule 2A of the CPC, alleging therein violation of an order passed by that court earlier).

The reasoning given by the learned trial court is to the effect that the order alleged to have been violated being one dated 13.06.2016, with issues pertaining thereto framed by that court on 09.03.2017 and with 14 opportunities including "last opportunities" having been granted to the petitioner to conclude his evidence, with him having testified himself as PW-1.

Hence, considering that the petitioner had been given sufficient opportunities to lead evidence and it is only a co-villager of his that he wanted to now examine, that court found no justification to allow the application.

Upon specific query to the learned counsel by this court, he submits that the application under Order 39 Rule 2A of the CPC was filed on 05.07.2016 and that evidence was closed on 06.05.2019.

He submits that in the meanwhile in fact the suit has been amended pursuant to an application filed on 11.03.2019, with the Gram Panchayat of the village having been made a defendant therein.

Even having considered that aspect, the application for amendment is stated to have been made on 11.03.2019, with it to be noticed that the application alleging therein a violation of the earlier order of the trial court having been filed on 05.07.2016.

Obviously for a period of three years, the petitioner never bothered to examine a co-villager who again obviously was available for such examination, and therefore, an application filed at this stage, after availing of 14 opportunities, could not have been entertained, it very seemingly being simply an excuse to linger on the proceedings.

Consequently finding no merit in this petition, it is dismissed *in limine*.

27.01.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes