

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

CR No.1283 of 2020

Date of decision: 24th February, 2020

Varun Soni

... Petitioner

Versus

Naveen Verma

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Harjot S. Bains, Advocate for the petitioner.

FATEH DEEP SINGH, J.

This is a revision petition by petitioner Varun Soni filed against Naveen Verma proprietor of M/s RAS International wherein order dated 28.08.2019 (Annexure P1) and order dated 07.02.2020 (Annexure P2) of the Court of learned Addl. Civil Judge (Senior Division), Ludhiana were challenged whereby cross-examination of the witnesses of the plaintiff was put to an end and the matter was adjourned for defendant's evidence.

Heard Mr. Harjot Singh Bains, Advocate for the petitioner and perused the records of the case.

The examination in-chief of PW-1 Naveen Verma was recorded on 13.11.2019 and that of PW-2 Jitendra Kumar on 11.12.2019 and the cross-examination of both these witnesses was deferred on the request of the learned counsel for the defendant, present petitioner. The

matter was adjourned to 07.02.2020 for cross-examination of both these witnesses. Earlier thereto, the defendant did not file the written statement on time and was burdened with cost and on the next date of hearing i.e. 28.08.2019 the defendant again neither paid the cost so imposed nor filed the written statement and instead moved an application under Order VII Rule 11 CPC and which application was disposed off on 19.03.2019 and the matter was adjourned to 28.08.2019 on which date again the defendant failed to file the written statement in spite of the last opportunity and did not even pay the cost so imposed and as a consequence of which after expiry of statutory period of 90 days, defence of the defendant was struck off. These two orders are sought to be challenged before this Court.

Appreciating the submissions, evidently from the very inception of the case and putting in appearance by the defendant, the defendant has been devising ways and means to unduly prolong the matter, firstly by not filing the written statement and then not paying the cost and thereby deferring the cross-examination of the witnesses, is in itself reflective of the reticence shown by the defendant present petitioner in obeying the legal orders of the Court. Learned counsel for the petitioner could not convince this Court what illegality or perversity has come about and rather both the impugned orders are suggestive of the sensitivity of the learned Court below in expeditious trial of the suit. To the very specific query of the Court learned counsel for the petitioner

could not convince what overwhelming reasons have come about for the petitioner to have not paid the cost, filed the written statement or cross-examined the witnesses in spite of the ample opportunities having been afforded.

From the pleadings, in stead of being apologetic for this insolence, the petitioner is trying to take up a plea illustrative of judicial intimidation to the Presiding Officer apparently to cow down the officer and forcing him to tow the line of the petitioner. The pleadings are corroborative of the same. Since the impugned orders have come about by the own act and conduct of the petitioner, this Court is not inclined to show any indulgence. The petition being hopelessly meritless stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

February 24, 2020
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No