

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

CR 1434 of 2020

Date of Decision: 06 March, 2020

Naresh Garg and another ...Petitioners

Versus

Motiaz Royale Estate Pvt. Ltd. and others ... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ramandeep Singh Pandher, Advocate
for the petitioners.

FATEH DEEP SINGH, J. (Oral)

The then plaintiffs/petitioners Naresh Garg and Payara Lal Garg have come in this civil revision challenging impugned order dated 15.01.2020 of the Court of learned Civil Judge (Junior Division), Kharar, whereby, the Court closed the evidence of the plaintiff by order.

Heard Mr. Ramandeep Singh Pandher, Advocate for the petitioners and perused the record.

As is reflective from the impugned order, 46 opportunities have been availed for the purpose of plaintiffs'

evidence and they failed to conclude the same leading to the passing of the impugned order. It is there in the records that repeated adjournments were sought by the plaintiffs to complete their evidence but to no avail. The suit was initially shown to have been filed way back in the year 2017 and after framing of the issues, it was adjourned for evidence of the plaintiffs and way back on 26.09.2018, the plaintiffs were ordered to produce the entire evidence at their own responsibility and in spite of such a strong worded order nothing tangible has come about in the case and rather what has reflected is that both the sides were trying to prolong the matter on one pretext or the other by moving fictitious applications for attaining a motivated object. The innumerable orders passed on various occasions by the Court are reflective of the insolence being shown in the expeditious disposal of the matter by the counsel for the two sides and how the efforts of the Court were intentionally got frustrated by resorting to such dilly dallying of the matter. The plaintiffs rather filing detailed list of witnesses and getting

deposited their expenses has sought to seek adjournment after adjournment purely for concluding the evidence, to which, they did not stick to under any circumstances. Though the Court ought to have resorted to stringent measures to ensure due production of the witnesses, documents and their examination but no coercive means too were put into practice. There has been total non-adherence to the provisions of Order 16 Rule 12 CPC, Order 16 Rule 14 CPC, Order 16 Rule 15 CPC and above of all, the Court faced with the reticence of the plaintiffs keeping in view the provisions of Order 17 CPC left with no other option but to close the evidence by order by resorting to provisions of Order 18 CPC.

Thus, from the face of the impugned order, it is prima facie reflective that the plaintiffs have taken the proceedings of the Court lightly and, thus, the Court was left with no other option but to close the evidence of the plaintiffs and which rightly did it so. There is neither any illegality or perversity in these findings of the Court below. As such, the

impugned findings are upheld.

The revision is hopelessly without any merits and stands dismissed in *limine*.

March 06, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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