

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

CM No. 772-CII of 2020 in/and
CR No.6969 of 2019(O&M)
Date of Decision:05.02.2020

Chajju Singh through SPA
Vs.

.....Applicant/Petitioner

Balvir Singh

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Hitesh Ghai, Advocate
for the applicant/petitioner.

AMOL RATTAN SINGH, J. (Oral)

**CM No. 772-CII of 2020 in/and
CR No.6969 of 2019**

By this petition the petitioner impugns the order dated 15.10.2019 (Annexure P-8), vide which the evidence of the defendant has been closed 'by order', by the learned trial court.

On 15.01.2020, the following order had been passed by this court:-

“Though an application (CM No. 772-CII-2020), has been filed seeking to place on record orders passed by the trial Court in the suit in question, which learned counsel submits are some of the “documents” that he wanted to lead by way of evidence as recorded in the order dated 08.11.2019, he further submits that the document that he actually wishes to lead in evidence before the learned trial Court, is one which has been sent with the record of the lower courts to this Court in RSA No. 1848 of 2007, as per the statement of the record clerk of the judicial record room at Pargana Khanna, Ludhiana (made before the trial Court on 10.09.2019).

Adjourned to 22.01.2020.

The case file and record of RSA No. 1848 of 2007 be put up along with this case file on the next date of hearing, to determine as to which document the petitioner wishes to rely upon and lead by way of evidence before the trial Court.

Interim order to continue, till the next date of hearing only.”

Today, learned counsel for the petitioner submits that having inspected the case file of RSA-1848 of 2007, as also the record of evidence led before the Courts below in that *lis* (to which the petitioner was not a party), it is seen that the register that the petitioner wishes to lead by way of evidence in the current *lis*, is not present in the said record.

On specific query to him, as to whether in the list of documents as were presented before the courts in that *lis*, that were to be led by way of evidence, the said register was even mentioned, he expresses ignorance.

Keeping that in view, very obviously the petitioner has been wholly negligent in even trying to determine whether the evidence that he wishes to lead in the present *lis*, was even present on the case file of the other *lis*, the said register being one (as contended before this Court), in which an entry was made by a deed writer *qua* a pronote stated to have been executed by the petitioner in favour of the respondent/plaintiff.

The impression, therefore, that this court is gathering, especially after looking at the interim orders passed by the trial court in the current *lis* (as are sought to be placed on record vide CM no.772-CII of 2020), is that the petitioner has been delaying proceedings, i.e. delaying the decision in the suit filed by the respondent/plaintiff before the trial Court.

In this petition also, at the time when it initially came up for hearing on 08.11.2019, though no notice of motion had been issued, the Bench that was seized of the matter had noticed the contention of the petitioner that the aforesaid record register was not traceable as it was lying attached with some other court file, with permission thereafter given to him to place on record certain documents trying to depict the *bona fides* of the petitioner. The passing of the final order by the trial court had been stayed by this court, with that interim order continuing till today.

In view of the fact that the register which allegedly the petitioner was wishing to produce before the trial court in the present *lis* is not available in the record of the aforesaid RSA also, this petition is disposed of with a

direction to the trial court that it would grant the petitioner one single opportunity only, now, to produce whatever evidence he wishes to, subject to payment of costs of Rs.10,000/- (by the petitioner), subject to which the impugned order shall stand set aside.

If the aforesaid amount is not paid, this order shall be deemed to have not been passed and the impugned order shall be deemed to be in operation.

The petition is disposed of as above.

February 05, 2020

dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO

**(AMOL RATTAN SINGH)
JUDGE**