

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

Sr. No.112

CR-224-2021 (O&M)
Date of decision : 10.02.2021

Gurdev Singh

..... Petitioner

VERSUS

Gurbax Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. D.J. Bhorawal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Vide impugned order dated 2.3.2020, the trial Court has rejected the application of the defendant-petitioner for leading additional evidence.

Admittedly, the suit was listed on 13.12.2019 as is evident from the zimni orders placed on record and was adjourned to 7.1.2020. However, there is no zimni order of the said date and the next zimni order is of 8.1.2020. Thereafter, the case was adjourned to 17.1.2020 and then to 29.1.2020, when, it was adjourned to 7.2.2020 with a direction that evidence, if any, be led on the next date of hearing.

Learned counsel for the petitioner has argued that since, the matter was to be listed on 7.1.2020, but was actually not listed on the said date, the defendant-petitioner was precluded from filing his affidavit in examination-in-chief, although, the same was ready on 7.1.2020. Thus, one opportunity be granted to him to lead his evidence.

The argument is mis-conceived. In case, the affidavit was ready on 7.1.2020, there was no logical reason for the same, not to be filed in the Court, although, the matter was listed on four different dates till 7.2.2020. Obviously, the defendant-petitioner is trying to delay the trial and

such tactics cannot be condoned in law. The trial Court has noted that despite 17 opportunities having been granted to him, the defendant-petitioner has not examined himself as his own witness. No error in this finding has been pointed out by learned counsel for the petitioner.

The tendency amongst litigants to delay the trials is on the rise and this tendency adds to the arrears of the Courts of law. The time is now right to curtail such tendencies with a heavy hand unless the facts of the case disclose that either of the parties to the suit would be grossly prejudiced. The facts of this case do not reveal any prejudice leave alone gross prejudice and thus, I find no error in the findings of the trial Court.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

10.2.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No