

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 218 of 2021

Date of Decision: February 10, 2021

Nasru and others

.....Petitioners

versus

Gram Panchayat Village Basai

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Siwach, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

The petitioners are the defendants in the suit filed by the respondent-Gram Panchayat for declaration that the revenue entries in respect of the land in dispute are liable to be corrected and for consequential relief of injunction restraining the defendants-petitioners from interfering in its peaceful possession. Vide the impugned order, the evidence of the petitioners- defendants has been closed by order.

Learned counsel for the petitioners-defendants has argued that only one opportunity be granted to the petitioners-defendants to lead their entire evidence.

A perusal of the impugned order shows that the evidence was closed as despite availing several effective opportunities and last opportunities, the petitioners- defendants had failed to produce their evidence. Even costs imposed upon them has not been deposited. No argument has been raised by counsel for the petitioner to point out any error in the findings of the trial Court. Thus, grant of one opportunity only on account of sympathy is not justified.

From the observations of the trial Court, it is evident that the petitioners- defendants are delaying the proceedings of the suit. Such tactics have the tendency of adding to the arrears of the Courts which are already clogged by

the arrears. The time has now come for the trial Courts to be strict in their handling of parties, however, keeping in view the requirement of law that no party should be overtly prejudice by the act of the Court. In this case, it is evident that the defendants-petitioners have invited the impugned order by not leading their evidence despite numerous opportunities having been granted. Thus, I commend the action of the trial Court.

For the aforementioned reasons, the revision petition is liable to be dismissed in limine. It is so ordered.

February 10, 2021

Poonam Negi

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No