

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

Sr.No.117

CR No.1019 of 2022

Date of Decision: 24.03.2022

Jagdish Chand (Now deceased) through his LRs

...Petitioners

Versus

Ram Saran Singh

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Ms. Kulwinder Kaur, Advocate
for the petitioners.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant revision petition, the petitioners (the LRs of the plaintiff) have laid challenge to the order dated 28.02.2022 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Fatehgarh Sahib (for short 'the trial Court'), whereby the application (Annexure P-1) moved by them for seeking permission to lead their evidence has been dismissed.

I have heard learned counsel for the petitioners in the instant revision petition and have also perused the file carefully.

Learned counsel for the petitioners contends that due to some unavoidable circumstances as well as the outbreak of Pandemic COVID-19, the petitioners could not lead their evidence in the Civil Suit preferred by their father and therefore, they deserve the fair opportunity to adduce their evidence to substantiate the averments, as set-forth in the plaint.

However, the afore-raised contention is devoid of any merit because a perusal of the impugned order Annexure P-2 reveals that the

trial Court has categorically observed therein that the Civil Suit was adjourned for recording the evidence of the plaintiff on 14.01.2019 and after affording ten (10) opportunities to him for this purpose, his evidence had been closed by the Court vide order dated 06.05.2019 and the plaintiff assailed the said order before this Court and vide the order dated 30.05.2019, this Court had directed the trial Court to decide his plea in terms of the judgment passed in “State of Punjab vs. Ajmer Singh” and in pursuance thereof, the plaintiff was allowed to lead evidence but after affording seven (07) more opportunities for this purpose, his evidence was again ordered to be closed on 05.02.2020, i.e prior to the outbreak of the above-said Pandemic. It being so, the plea of the petitioners regarding their and earlier, their father's inability to lead evidence before the trial Court due to the spread of the said Pandemic is not factually correct.

As regards the plea qua the inability of the petitioners to lead their evidence due to some unavoidable circumstances, the same is also not plausible at all because throughout in their application Annexure P-1, they have not explained/disclosed any such circumstances which prevented them from leading their evidence before the trial Court.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the petition in hand stands dismissed.

24.03.2022

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No