

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

CR-5787-2022(O&M)

Date of decision:-8.12.2022

Yashpal Singh @ Jaspal Singh

...Petitioner

Versus

Gurmukh Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vipin Mahajan, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

1. This revision petition is directed against various orders passed by Civil Judge (Sr.Divn.), Gurdaspur. The first order which is being challenged is dated 8.11.2021 (Annexure P-3) vide which evidence of the plaintiff was closed by order; the second order dated 9.11.2022 (Annexure P5) vide which application filed by the revisionist for recall of order dated 8.11.2021 had been dismissed and order dated 11.10.2022 (Annexure P7) vide which application filed by petitioner for re-calling of PW3 Anil Kumar had been declined.

2. Briefly stated, facts of the case are that plaintiff Jaspal Singh had filed a civil suit against defendant Gurmukh Singh seeking possession of suit land by specific performance of agreement to sell dated 21.8.2013. On getting notice, the defendant had put in appearance and filed written statement contesting the suit. Issues on merits had been framed vide order

dated 21.9.2017, thereafter the case was posted for evidence of the plaintiff. The plaintiff availed of numerous opportunities to conclude his evidence. Then the trial Court vide order dated 8.11.2021 closed the evidence of plaintiff by order fixing the case for 9.12.2021 for evidence of the defendant. The plaintiff is feeling aggrieved by that order.

3. It may be mentioned here that plaintiff, who was entitled to get three opportunities to lead evidence was granted 13 opportunities before outbreak of Covid-19 and 6-7 opportunities thereafter. This is so mentioned in the impugned order dated 9.11.2022. Still the plaintiff could not conclude his evidence. It seems that he has been taking the things in a very casual manner not making any attempt for earlier disposal of the case. For some unknown reasons his attempt seems to be to stretch the proceedings. Not only he was unable to conclude his evidence despite availing of about 20 opportunities, when the trial Court closed his evidence by order, he is feeling aggrieved unnecessarily. With his evidence having been closed on 8.11.2021, he has approached this Court after more than 1 year thereafter, again showing a very casual approach. After evidence of the plaintiff was closed, it was fixed for evidence of the defendant and defendant has also led his evidence, in between there were talks of amicable settlement between the parties, which as it appears could not mature; the oral evidence of the defendant was closed on 12.9.2022, then the case was fixed for documentary evidence of the defendant, rebuttal and arguments. This state of affairs continued for few dates, then on 3.10.2022, the plaintiff filed an application for recalling witness under Order 18 Rule 17-A CPC; thereafter another application under Section

151 CPC for recalling of order dated 8.11.2021 was filed on 31.10.2022, which was rightly dismissed. There was absolutely no reason to recall the orders closing the evidence of the plaintiff by order of the Court and to recall any witness without any justifiable reason.

4. I find that no fault can be found with the orders passed by the trial Court and no reason is there to interfere with the impugned orders, which are detailed and well reasoned not suffering from any infirmity and illegality.

5. Thus, finding no merit in the civil revision petition, the same stands dismissed.

8.12.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No