

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

CR 8054 of 2019 (O&M)

Date of Decision: March 15, 2022

Naveen Bector

...Petitioner

Versus

Rama Devi

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

FATEH DEEP SINGH, J. (Oral)

CM 893-CII of 2020 and

CM 894-CII of 2020

Heard.

In the light of the averments in the applications, the
same is allowed subject to all just exceptions.

CR 8054 of 2019

This civil revision is directed against order dated
06.09.2018 (Annexure P-6) and dated 11.10.2019 (Annexure
P-9) whereby the plaintiff/petitioner has sought to assail the

orders of the Court of learned Civil Judge (Junior Division) Ludhiana closing the evidence of the plaintiff by order.

A civil suit titled as **Rama Devi Vs. Naveen Bector** for mandatory injunction etc was pending between the parties over a dispute pertaining to suit property. The matter was pending for plaintiff's evidence when the impugned orders were passed.

The undisplaced situation that emancipates from the interim orders placed on the records shows that the issues were framed on 29.10.2013 and thereafter the case was adjourned to 16.12.2013 for evidence of the plaintiff and thereafter three opportunities were availed on 16.12.2013, 21.10.2014 and 03.12.2014 but no evidence was led and the trial Court passed order dated 03.12.2014 affording last opportunity.

On the next date on 12.1.2015 one PW was partly examined. Thereafter, when the matter was taken up on 03.04.2018 one PW could not be cross-examined and it was adjourned to 20.04.2018 when the witness was partly cross-

examined and on the next date on 17.08.2018, the same witness could not be further cross-examined and it is thereafter the matter was adjourned to 06.09.2018 when the witness having been present could not be cross-examined as the counsel evaded his obligation to appear in the Court. When an application for recalling this Court order dated 06.09.2018 was moved and which stood dismissed vide order dated 11.10.2019 (Annexure P-9) declining permission to cross examine further the said witness and which has been assailed before this Court.

The conduct of the defendant side throughout the trial is impregnated with delaying tactics in spite of witness having appeared was not fully cross-examined and even last opportunity was not adhered to by the respondents side. The impugned order clearly reflects when the matter was listed for defendant's evidence, the application has come about for recalling the earlier order dated 06.09.2018 after almost one year is further reflective of the insolence and surreptitious malice that is behind this move which is purely by way of

delaying tactics. The Court has rightly declined the prayer and the orders itself show that how the bonafide and genuine efforts of the Court for speedy disposal of the matter are being subverted by such a conduct.

Apparently on the face of it, this Court has not come across any illegality or perversity necessitating intervention. The petition being without merits stands dismissed in *limine*.

March 15, 2022

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No