

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

CR-1185-2023(O&M)

Date of decision:-22.2.2023

Sunil Kumar

...Petitioner

Versus

Vinod Kumar

...Respondent

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

Present: Mr.Prateek Sodhi, Advocate
for the petitioner.

H.S. MADAAN, J.

1. In a suit for grant of permanent injunction filed by plaintiff Vinod Kumar against defendant Sunil Kumar pending in the Court of Civil Judge(Jr.Divn.), Amritsar, the defendant had availed of around 51 opportunities to conclude his evidence but still failed to do so. As such the trial Court vide order dated 4.11.2022 (Annexure P7) closed his evidence.
2. The defendant had filed an application for review of the order, which was also dismissed vide order dated 20.1.2023(Annexure P9).
3. Feeling aggrieved, the defendant has approached this Court by way of filing the present revision petition praying that the impugned orders be set aside and revision petitioner/defendant be afforded one effective opportunity to conclude his evidence.
4. I have hard learned counsel for the petitioner besides going through the record.

5. Order 17 CPC deals with grant of adjournments. The first part provides that the Court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing.

As per proviso, no such adjournment shall be granted for more than three times to a party during hearing of the suits. Thus the mandate of the law is that the maximum number of opportunities, which can be granted to a party to the suit is three. Though in some cases on account of justifiable reasons, the Courts some time grant more opportunities to the parties. In this case the Court has shown a lot of latitude to the revision petitioner/ defendant in producing evidence but despite that he has not been able to complete his evidence. The case cannot be adjourned time and again to enable the defendant to complete his evidence. A litigant, who is very slow and sluggish in bringing evidence to the Court and shows an indifferent and casual approach is certainly not entitled to be shown much indulgence.

6. It may be mentioned here that after his evidence was closed the revision petitioner had filed an application for review of the order, which is not maintainable under law and the remedy to him was to approach this Court by way of filing a revision petition. The application for review so filed by revision petitioner was totally misconceived and was rightly rejected by the trial Court.

7. The impugned orders passed by the trial Court are quite detailed and well reasoned and those do not suffer from any illegality or

infirmity and are not having any element of arbitrariness or perversity.

The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

22.2.2023

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No