

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

**CR No.1420 of 2023
Date of Decision: 03.03.2023**

Amin Chand

...Petitioner

Versus

Surinder Singh and another

...Respondents

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

Present :- Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

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MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision-petition, the petitioner-defendant No.1 (here-in-after to be referred as 'the petitioner') has laid challenge to the order dated 12.09.2022 (Annexure P-16) passed by learned Civil Judge (Junior Division)-13, Jalandhar (for short 'the trial Court') in Civil Suit No.569 of 2015, whereby the evidence of the defendants has been ordered to be closed.

2. I have heard learned counsel for the petitioner in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner contends that the petitioner had tested positive for Covid-19 and therefore, he and his co-defendant could not conclude their evidence in time and in these circumstances, they deserve to be granted another opportunity for the afore-said purpose.

4. However, the above-raised contention is bereft of merit/force because the petitioner has not placed any document on the file so as to corroborate the plea of his afore-referred medical condition. Further, on being posed a query during the course of hearing, learned counsel for the petitioner has also not been able to apprise the Court regarding the date when the evidence of the plaintiff had been closed and the trial Court had adjourned the above-said Suit, for the first time, for recording the evidence of the defendants. However, Annexure P-2 is the copy of the *zimni* order passed by the trial Court on 18.10.2021 wherein it has been recorded that the defendants had remained unrepresented on that day and the case had been adjourned to 12.11.2021 for awaiting their appearance subject to the payment of the cost of Rs.1000/- and with the last opportunity and a bare perusal of the copies of the *zimni* orders Annexures P-3 to P-16 reveals that even thereafter, the defendants had availed as many as 09 (nine) effective opportunities to conclude their evidence but in vain.

5. Keeping in view the afore-discussed facts and circumstances, this Court is of the considered opinion that the defendants do not deserve any further opportunity for leading their evidence and thus, the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

03.03.2023
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Whether speaking/reasoned: *Yes*
Whether Reportable: *No*