

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

CR-2534-2023 (O&M)

Date of decision: 04.05.2023

Surinder Singh Sandhu and another

...Petitioners

Versus

Ajaib Singh (since deceased) through LRs and others

...Respondents

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

Present: Mr. Inderjit Singh Luthra, Advocate for the petitioners.

H.S. MADAAN, J.

1. In a civil suit titled as 'Surinder Singh Sandhu and another Vs. Ajaib Singh and others' pending in the Court of Civil Judge (Jr. Divn.) Ludhiana, on an application having been filed on behalf of the plaintiffs that they are senior citizens undergoing treatment from doctors in Australia and as per medical advise, they avoid long travels, therefore, they be allowed to get their statements recorded through video conferencing, the trial Court, vide order dated 07.01.2023 allowed the application, keeping in view the age of the plaintiffs and considering the fact that COVID-19 was again on rise globally. The Court had detailed the terms and conditions for recording of statements of the plaintiffs through video conferencing and a Local Commissioner was appointed for that purpose, so was a Coordinator to do the job. However, statements of the plaintiffs could not be recorded through

video conferencing. Considering the fact that case was more than 10 years old falling in 'Action Plan' category and a direction had been issued by the High Court to dispose of 10 years old cases on or before 31.12.2022 and further the High Court had passed an order directing the trial Court to decide the suit most expeditiously, the order being dated 19.01.2023 passed in CWP-22590-2022, the evidence of the plaintiffs was closed by order on 24.03.2023. The trial Court had observed that after the application for recording statements of plaintiffs through video conferencing was allowed by the Court, vide order dated 07.01.2023, the officials of the Court had sent as many as eight reminders to Indian Consulate at Sydney without eliciting any response and counsel for the plaintiffs had undertaken on the last date that arduous efforts for examination through video conferencing would be made and had requested for one opportunity but to no effect. The trial Court has clearly observed that despite the undertaking given by their counsel, the plaintiffs and their attorney have not made any effort to get the statements of the plaintiffs recorded through video conferencing and that plaintiffs had availed of as many as 39 effective opportunities to conclude the evidence without doing so. It was further observed that no efforts have been made by the plaintiffs to get themselves examined either through video conferencing or in person and plaintiffs were trying to delay the case. Since it was clarified in the previous order that next date would be last and final opportunity to the plaintiffs to

conclude their evidence by video conferencing, failing which their evidence would be closed by order, the evidence of plaintiffs was closed by order, adjourning the case to 06.04.2023 for evidence of defendants.

2. This order is being challenged by way of filing a revision petition.

3. After hearing counsel for the petitioners and going through the record, I do not find any illegality or infirmity in the impugned order which might have called for interference by this Court while exercising revisional jurisdiction. In terms of Order 17 Rule 1 proviso CPC, no party shall be granted more than three adjournments for the purpose of producing evidence. This provision was introduced to curtail delay in disposal of civil cases proceedings wherein drag on for years together. In this case also, as has been noticed in the impugned order, the plaintiffs had already availed of 39 effective opportunities to conclude their evidence and the case is more than 10 years old. Enough indulgence has already been shown to the plaintiffs to produce their evidence. If for any reason, the plaintiffs could not get their statements recorded through video conferencing, nothing prevented them from appearing in the Court in person to get their statements recorded or they could have opted to get their attorney examined in their place. Adjournments cannot be granted to a litigant just at his asking and this adjournment culture needs to be curbed with a firm hand. The revisional jurisdiction of this Court is very limited. The Court can

interfere only if the order passed by the Court below is perverse, arbitrary or against settled legal position. No such defect is found to be there in the impugned order. The revision petition is found to be without merit and is dismissed accordingly.

04.05.2023
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(H.S. MADAAN)
JUDGE

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