

Ludhiana. After appearance of parties and completion of pleadings, vide order dated 17.04.2018, issues were framed and the case was adjourned for plaintiff's evidence. However, evidence of the plaintiff/petitioner was closed by Court order vide order dated 02.08.2023 (Annexure P-14) and the application filed by the plaintiff/petitioner for review of order dated 02.08.2023 was also dismissed vide order dated 15.11.2023 (Annexure P-17).

3. Learned counsel for the petitioner has submitted that the learned Trial Court did not consider the fact that the petitioner indeed submitted a list of witnesses vide application dated 24.07.2019, which was allowed. Then, once the learned Trial Court had accepted the list of witnesses, it cannot deny assistance to secure presence of witnesses.

4. I have heard learned counsel for the petitioner and perused the case file.

5. A bare perusal of the record shows that in the civil suit filed by the plaintiff/petitioner, after appearance of parties and completion of pleadings, vide order dated 17.04.2018, issues were framed and the case was adjourned for plaintiff's evidence. When the plaintiff/petitioner failed to conclude his evidence despite availing several opportunities, vide order dated 02.08.2023 passed by learned Trial Court, his evidence was closed by Court order. The plaintiff/petitioner challenged the order dated 02.08.2023 by way of application dated 21.09.2023, submitting therein that his evidence was closed against the principles of natural justice. The said application was dismissed by the learned Trial court.

6. Going through both the orders of the Trial Court, it transpires

that it was specifically observed by the Trial Court that Code of Civil Procedure, 1908 provides for three opportunities to a party to lead evidence, whereas the plaintiff/petitioner availed 31 effective opportunities. So, when he has been granted more than sufficient opportunities, he could not claim that his evidence has been closed without giving him proper opportunity.

7. Dealing with another objection of plaintiff/petitioner that the plaintiff/petitioner had already deposited diet money of two witnesses as mentioned in the application dated 24.07.2019, which was allowed but the Court did not issue summons to witnesses, the learned Trial Court observed that as per Order XVI Rule 1 CPC, plaintiff/petitioner was duty bound to furnish list of witnesses, after framing of issues, or before such date as fixed by the Court and not later than 15 days from the date of framing of issues. In the present case, vide order dated 17.04.2018, the plaintiff/petitioner was granted seven days' time, while framing issues, to furnish list of witnesses and to deposit process fee and diet money. It was specifically observed in the said order that if the same is not furnished, no assistance of the Court would be provided. In all these circumstances, filing of any application for depositing diet money on 24.07.2019 i.e. more than one year of framing of issues is not relevant at all because the plaintiff/petitioner cannot be allowed to take advantage of moving any such application and cannot pray for granting another opportunity to lead evidence on its basis.

8. Recently, in case **Yashpal Jain vs. Sushila Devi and others – Civil Appeal No.4296 of 2023**, decided on 20.10.2023, the Hon'ble Apex Court has given various directions to Trial Courts for speedy disposal of the Civil Suits including – “once the date of trial is fixed, the trial should

proceed accordingly to the extent possible, on day-to-day-basis.”. The relevant extract of the said judgment regarding concern of Hon’ble Apex Court is as under :-

“37. It is undisputedly accepted that the significance of a swift and efficient judiciary cannot be overstated. It is a cornerstone of democracy, a bulwark against tyranny, and the guarantor of individual liberties. The voices of the oppressed, the rights of the marginalized, the claims of the aggrieved—all are rendered hollow when justice is deferred. Every pending case represents a soul in limbo, waiting for closure and vindication. Every delay is an affront to the very ideals that underpin our legal system. Sadly, the concept of justice delayed is justice denied is not a mere truism, but an irrefutable truth.

Thus, we stand at a crossroads, not of our choosing but of our duty where the urgency of legal reforms in our judiciary cannot be overstated, for the pendulum of justice must swing unimpeded. The edifice of our democracy depends on a judiciary that dispenses justice not as an afterthought but as a paramount mission. We must adapt, we must reform, and we must ensure that justice is not a mirage but a tangible reality for all.

38. Therefore, in this pursuit, we call upon all stakeholders—the legal fraternity, the legislature, the executive, and the citizens themselves—to join hands in a concerted effort to untangle the web of delay and pendency. We must streamline procedures, bolster infrastructure, invest in technology, and empower our judiciary to meet the demands of our time.

39. The time for procrastination is long past, for

justice cannot be a casualty of bureaucratic inefficiency. We must act now, for the hour is late, and the call for justice is unwavering. Let us, as guardians of the law, restore the faith of our citizens in the promise of a just and 48 equitable society. Let us embark on a journey of legal reform with urgency, for the legacy we leave will shape the destiny of a nation. In the halls of justice, let not the echoes of delay and pendency drown out the clarion call of reform. The time is now, and justice waits for no one. Hence, the following requests to Hon’ble the Chief Justices of the High Courts are made and directions are issued to the trial courts to ensure ‘speedy justice’ is delivered.”

9. Keeping in view the observations made by learned Trial Court while dismissing the application of plaintiff/petitioner, I do not find any ground to interfere in the same as both the impugned orders have been passed after carefully considering all the pleas taken by the plaintiff/petitioner. So, there is no illegality or perversity in the impugned orders passed by the learned Trial Court. Accordingly, I do not find any merit in the present revision petition and the same is hereby dismissed in limine.

10. Pending applications, if any, shall stand disposed of along with this judgment.

January 10, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.