

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

CR No.952 of 2024 (O&M)

Date of Decision: 16.02.2024

Hardev Kumar @ Hardev Kumar Chopra

...Revisionist-Petitioner

Versus

Palwinder Singh and others

...Respondents

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

Present:- Mr. Mandeep S. Sachdev, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has assailed the order Annexure P-1 passed by learned Civil Judge (Junior Division), Jalandhar (for short 'the trial Court') on 23.01.2023 in *Civil Suit No.694 of 2018* titled as '*Hardev Kumar versus Palwinder Singh etc*', whereby his evidence had been closed, while observing that he had failed to conclude the same despite availing various opportunities for this purpose and he has also laid challenge to the order Annexure P-2, as handed down by the trial Court on 06.12.2023 in the above-referred Civil Suit, declining his (plaintiff's) prayer to allow him to tender his additional affidavit in his further examination-in-chief.

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

3. Learned counsel for the plaintiff contends that due to some unavoidable circumstances, the plaintiff could not conclude his evidence well in time but the trial Court did not consider this aspect in the right perspective and wrongly closed his evidence vide the impugned order Annexure P-1 and also arbitrarily rejected his prayer to permit him to file his additional affidavit as the part of his further examination-in-chief and in these circumstances, it becomes explicit that both the impugned orders are not legally sustainable and therefore, the same deserve to be set-aside.

4. However, the afore-raised contentions do not hold much water because as regards impugned order Annexure P-1, it is pertinent to mention here that as shown in the order Annexure P-5, the issues were framed in the above-said Civil Suit on 15.10.2019 and a perusal of Annexure P-6 (Colly), the copies of the '*zimni*' orders passed by the trial Court thereafter, reveals that the plaintiff was afforded as many as ten (10) effective opportunities for concluding his evidence which, in the considered opinion of this Court, are more than sufficient and it being so, no cogent ground for granting any further opportunity to him (plaintiff) for the afore-mentioned purpose, is made out.

5. So far as impugned order Annexure P-2 is concerned, it is again worth-while to point it out here that the above-referred Civil Suit was filed in March, 2018 and the issues had been framed on 15.10.2019 and as mentioned in impugned order Annexure P-1, the plaintiff stepped into the witness-box as PW-1 and tendered his affidavit in his examination-in-chief on 23.01.2023, more than 03 years after the framing of the issues and sought the permission to file his additional affidavit, on 06.12.2023, i.e still 10½ months thereafter and that too, without advancing any cogent explanation for the same. Hence, this Court does not find any fault with impugned order Annexure P-2 also.

6. As a sequel to the fore-going discussion, it follows that both the impugned orders do 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.

16.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

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