



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(235)

CR No. 6615 of 2018 (O&M)

Date of Decision: 28.05.2025

**Gurpreet Kaur and others**

...Petitioners

**Versus**

**Surinder Singh and others**

...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Rahul Rampal, Advocate  
for the petitioners.

Mr. Vaibhav Sehgal, Advocate  
for respondent No.1.

Mr. Anil Kumar, Advocate  
for respondent Nos.2 to 6.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition assails the order dated 22.08.2017 passed by the Court of Civil Judge (Jr. Division), Ludhiana, vide which the evidence of the petitioners/plaintiffs was closed. Challenge has also been laid to the order dated 16.07.2018 vide which the application (Annexure P-4) for recalling the order dated 22.08.2017 was dismissed.

2. The facts, as emanating from the revision petition, are that the petitioners/plaintiffs instituted a suit for recovery of Rs.5,90,320/- against the respondents/defendants. During the course of the trial, vide order dated 22.08.2017, the trial Court permitted the petitioners/plaintiffs to cross-examine PW-2 Amrik Singh on 19.09.2017 and closed the remaining evidence. An application for reopening the evidence by recalling the said order was filed which was dismissed vide order dated 16.07.2018 leading to the filing of the present revision petition.

3. I have heard learned counsel for the parties.
4. Learned counsel for the petitioners has strenuously urged that the impugned orders are not sustainable. It has been submitted that despite having furnished a list of witnesses and having deposited requisite charges for summoning of the witnesses mentioned in the list, summons were not issued by the trial Court and evidence of the petitioners/plaintiffs was closed. He submits that the petitioners/plaintiffs be given another opportunity to lead and conclude their evidence.
5. *Per contra*, learned counsel for the respondents/defendants has submitted that there is no illegality in the impugned orders. He has referred to the interlocutory orders passed during the course of the trial. Reference has also been made to the other documents placed on record and it has been submitted that the trial Court did not commit any illegality in closing the evidence of the petitioners/plaintiffs, for, even after having availed innumerable opportunities, the petitioners/plaintiffs did not conclude their evidence. In support of his contentions learned counsel has placed reliance upon a judgment of the Supreme Court of India in *M/s Shiv Cotex Vs. Tirgun Auto Plast P. Ltd. And others, 2011 (4) RCR (Civil) 807* and judgments of this Court in *Gian Singh Vs. Assistant Registrar Co-op Societies, Dasuya and another, 2010(2) Law Herald (P&H) 1748, Ranga Singh Vs. Teja Singh, 2017(5) RCR (Civil) 200 and Balkar Singh Vs. Didar Singh, 2016(3) Law Herald (P&H) 2492*.
6. I have considered the submissions made by learned counsel for the parties.
7. The suit was instituted in 2015. Evidence started in August 2015 and the petitioners/plaintiffs availed more than 20 opportunities to lead

and conclude their evidence. On 22.08.2017, the following order was passed:-

***“No PW come present. Ld. Counsel for plaintiff filed an application for adjournment of the case by stating that witness Amrik Singh is ill along with his medical certificate. Heard and allowed now to come up for cross of PW2 Amrik Singh on 19.09.2017 and remaining evidence of the plaintiff is closed by order.”***

8. Prior to this, on 20.02.2017, learned counsel representing the petitioners/plaintiffs had given a statement before the trial Court that he would conclude his entire evidence on the next date of hearing failing which the evidence be deemed to be closed. Having suffered this statement, five more opportunities were availed, but evidence was not concluded. Eventually, on 22.08.2017, when an adjournment was sought for cross-examination of PW-Amrik Singh, the trial Court granted the same but closed the remaining evidence. In the considered opinion of this Court, the trial Court did not commit any illegality in doing so.

9. Order 17 Rule 1 of the Code of Civil Procedure, 1908 (for short ‘CPC’) deals with adjournments and states that on sufficient cause being shown, the Court may, at any stage of the suit, grant adjournment for reasons to be recorded in writing provided no such adjournment should be granted more than three times to a party. The legislature has enacted these provisions with a certain aim in mind i.e., speedy and timely disposal of cases. No doubt, there are various factors which sometimes lead to adjournments of which, a large number of cases being pending is also one factor. However, on most occasions, such adjournments are at the instance of a litigant or his lawyer. The Supreme Court of India was dealing with a

matter *M/s Shiv Cotex Vs. Tirgun Auto Plast P. Limited and others* (supra) where after having been granted three opportunities, no evidence was produced by the plaintiff as a result of which the trial Court proceeded to decide the case under Order 17 Rule 3 (a) CPC. The appeal against the said judgment and decree was dismissed by the First Appellate Court, whereafter the matter reached the High Court. The High Court remanded the matter to the trial Court for a fresh decision. Against this decision, the defendant knocked the doors of the Supreme Court of India. The Supreme Court of India, while setting aside the judgment of the High Court came down heavily upon the plaintiff for not having led evidence despite sufficient opportunities having been granted;

*“15. Second, and equally important, the High Court upset the concurrent judgment and decree of the two courts on misplaced sympathy and non-existent justification. The High Court observed that the stakes in the suit being very high, the plaintiff should not be non-suited on the basis of no evidence. But, who is to be blamed for this lapse? It is the plaintiff alone. As a matter of fact, the trial court had given more than sufficient opportunity to the plaintiff to produce evidence in support of its case. As noticed above, after the issues were framed on July 19, 2006, on three occasions, the trial court fixed the matter for the plaintiff's evidence but on none of these dates any evidence was let in by it. What should the court do in such circumstances? Is the court obliged to give adjournment after adjournment merely because the stakes are high in the dispute? Should the court be a silent spectator and leave control of the case to a party to the case who has decided not to take the case forward? It is sad, but true, that the litigants seek - and the courts grant - adjournments at the drop of the hat. In the cases where the judges are little proactive and refuse to accede to the requests of unnecessary*

*adjournments, the litigants deploy all sorts of methods in protracting the litigation. It is not surprising that civil disputes drag on and on. The misplaced sympathy and indulgence by the appellate and revisional courts compound the malady further. The case in hand is a case of such misplaced sympathy. It is high time that courts become sensitive to delays in justice delivery system and realize that adjournments do dent the efficacy of judicial process and if this menace is not controlled adequately, the litigant public may lose faith in the system sooner than later. The courts, particularly trial courts, must ensure that on every date of hearing, effective progress takes place in the suit.*

*16. No litigant has a right to abuse the procedure provided in the CPC. Adjournments have grown like cancer corroding the entire body of justice delivery system. It is true that cap on adjournments to a party during the hearing of the suit provided in proviso to Order XVII Rule 1 CPC is not mandatory and in a suitable case, on justifiable cause, the court may grant more than three adjournments to a party for its evidence but ordinarily the cap provided in the proviso to Order XVII Rule 1 CPC should be maintained. When we say 'justifiable cause' what we mean to say is, a cause which is not only 'sufficient cause' as contemplated in sub-rule (1) of Order XVII CPC but a cause which makes the request for adjournment by a party during the hearing of the suit beyond three adjournments unavoidable and sort of a compelling necessity like sudden illness of the litigant or the witness or the lawyer; death in the family of any one of them; natural calamity like floods, earthquake, etc. in the area where any of these persons reside; an accident involving the litigant or the witness or the lawyer on way to the court and such like cause. The list is only illustrative and not exhaustive. However, the absence of the lawyer or his non-availability because of professional work in other court or elsewhere or on the*

*ground of strike call or the change of a lawyer or the continuous illness of the lawyer (the party whom he represents must then make alternative arrangement well in advance) or similar grounds will not justify more than three adjournments to a party during the hearing of the suit. The past conduct of a party in the conduct of the proceedings is an important circumstance which the courts must keep in view whenever a request for adjournment is made. A party to the suit is not at liberty to proceed with the trial at its leisure and pleasure and has no right to determine when the evidence would be let in by it or the matter should be heard. The parties to a suit - whether plaintiff or defendant - must cooperate with the court in ensuring the effective work on the date of hearing for which the matter has been fixed. If they don't, they do so at their own peril. Insofar as present case is concerned, if the stakes were high, the plaintiff ought to have been more serious and vigilant in prosecuting the suit and producing its evidence. If despite three opportunities, no evidence was let in by the plaintiff, in our view, it deserved no sympathy in second appeal in exercise of power under Section 100 CPC. We find no justification at all for the High Court in upsetting the concurrent judgment of the courts below. The High Court was clearly in error in giving the plaintiff an opportunity to produce evidence when no justification for that course existed.”*

10. It is high time that unnecessary adjournments and adjournments on the mere asking of parties/counsel are declined. We are already plagued with docket explosion and the institution is struggling hard to grapple with the same. Undue sympathy and latitude is doing more harm to the system than good.

11. The argument that despite having deposited fee for issuance of summons, the same were not issued is devoid of merit and nothing of the

kind emerges from the record which was duly requisitioned. Be that as it may, it was the responsibility of the petitioners/plaintiffs to pursue their own case with diligence and they cannot be permitted to find fault with the process of the Court with a view to seek further opportunities for leading and concluding evidence.

12. In view of the above, the orders under challenge are found to have been passed in accordance with law and do not call for any interference.

That being so, I do not find any merit in the present revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**May 28, 2025**  
Rekha

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No