

**(1989) 05 P&H CK 0032**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** C.R. No. 49 of 1989 and C.M. No. 1708-CII of 1989

Madan Lal

APPELLANT

Vs

Hazara Singh

RESPONDENT

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**Date of Decision:** May 4, 1989

**Acts Referred:**

- Civil Procedure Code, 1908 (CPC) - Order 16 Rule 1

**Hon'ble Judges:** J.V. Gupta, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

J.V. Gupta, J.

This revision petition is directed against the order of the Executing Court dated December 16, 1988, whereby the judgment debtor was directed to produce his evidence on January 6, 1989, with a further direction that no further opportunity will be granted to him. The Learned Counsel for the petitioner submitted that no such order could be passed by the Executing Court. According to the Learned Counsel, the petitioner was entitled to summon the witnesses through the court as provided under Order 16 Rule 1 Civil Procedure Code, and therefore, he could not be directed to produce his evidence at his own responsibility on the very first date after framing of the issues.

2. After hearing the Learned Counsel for the parties, I do not find any merit in this revision petition. The Executing Court had every right to direct the judgment debtor to produce his evidence at his own responsibility on the first date of hearing after the framing of the issues. No party could be allowed to delay the proceedings unnecessarily. If in order to avoid any delay such order is passed, it is just and proper and in the fitness of circumstances and no challenge could be made to such order, by way of revision petition. The petition is mis-conceived. Ultimately, the

same fails and is dismissed with costs; which are quantified at Rs. 300/-.

3. The parties have been directed to appear before the Executing Court on May 24, 1989, on which date the Executing Court will fix the date for the evidence of the judgment debtor. On that date the judgment debtor will produce the evidence at his own responsibility and will not be entitled to any further opportunity.