

(2010) 12 P&H CK 0385

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 8344 of 2010

Maggar Singh

APPELLANT

Vs

National Institute of Nursing
(G.N.M.) and Others

RESPONDENT

Date of Decision: Dec. 21, 2010

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Judgement

Alok Singh, J.

Present petition is filed challenging the order dated 7.12.2010 passed by Addl. Civil Judge (Senior Division), Sangrur whereby adjournment sought by the Plaintiff was declined and his evidence was directed to be closed.

2. Learned Counsel for the Petitioner states that on the date fixed before the trial Court, Plaintiff could not turn up due to some urgent work. Learned Counsel for the Petitioner further states that on the date either fixed by this Court or by the learned Trial Court, entire evidence shall be produced before the learned Trial Court and no further adjournment shall be sought.

3. Learned Single Judge of this Court in the matter of Prem Lata v. Ram Sarup reported in 2005(4) RCR 423 placing reliance on judgment of the Division Bench of this Court in the matter of Batala Machine Tools Workshop Coop. v. Presiding Officer, Labour Court, Gurdaspur has held that matter can be disposed of at the stage of admission without any notice to the opposite party, because if the Respondent is summoned to contest this litigation, it may involve huge expenditure and unnecessary harassment and delay of the proceedings.

4. In the opinion of this Court, present matter can be disposed of at the admission stage without any notice to the Respondents. This Court is of the further opinion that issuing notice to the Respondents shall cause unnecessary delay in the disposal of the matter, hence, this Court proposes to decide this petition without notice to

the Respondents.

5. In the peculiar facts and circumstances of the case, keeping in mind, the golden rule that none should be given walk over and lie between the parties, as far as possible, should be decided at its own merit after affording sufficient opportunities to both the parties to place on record entire evidence and material, this Court direct that learned trial Court shall fix a date for the purpose of Petitioner's evidence. On the date so fixed, Petitioner shall produce all the witnesses before the learned trial Court for examination. If, for any reason, examination is not complete on the date so fixed, then learned Court shall be at liberty to hold day-to-day trial or to fix any future date, which is convenient to the Court. However, it is made clear that no further adjournment shall be granted to the Petitioner. Petitioner shall pay cost of Rs. 5000/- to the Respondents on or before the next date so fixed by the trial Court. If Respondents feel aggrieved from this order, they shall be at liberty to move this Court for recalling of the order.

6. Petition shall stand disposed of accordingly.