

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**CMPMO No.787 of 2025
Decided on 29th December 2025**

Tiloksons Brewery & Distillery

...Petitioner

Versus

M/s Bhagwati Wine

...Respondent

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting?

For the petitioner: Mr. Arun K. Verma, Advocate.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has assailed order dated 08.10.2025, passed by the learned Senior Civil Judge, Nahan, District Sirmaur, H.P., in terms whereof, the right of the petitioner-plaintiff to lead evidence has been closed. The impugned order reads as under:-

"Statement of one PW Dinesh recorded. No other PW is present. Time prayed. From perusal of the case file, it is evident that today 5th opportunity was provided to the plaintiff for producing his evidence but no steps were taken by him till date nor any list of witness has been filed. Case is on plaintiff's evidence since 18.07.2023 and on the last date of hearing it was made clear that no further opportunity would be provided. As sufficient opportunities have already been granted to plaintiff to lead his evidence, however, there is neither list

of witnesses on record nor any steps were taken nor any valid ground has been shown for granting of further adjournment for the purpose of examination of his witnesses, hence, plaintiff evidence is closed by the order of this court. Be listed for DWs on 25.11.2025. Steps, if any, be taken within 15 days.”

2. Having heard learned counsel for the petitioner and having perused the impugned order as well as the other documents appended with the petition, this Court does not find any infirmity therein.

3. The zimni orders, which are appended with the petition demonstrate that the issues were framed in the case on 07.06.2023. Thereafter, certain applications were filed by the parties, which ultimately culminated into orders on 08.01.2025, on which date, the case was ordered to be listed on 25.03.2025 for recording the statement of the PWs.

4. On 25.03.2025, the following order was passed by the Court:-

“No PWs present. Time prayed. Granted as last opportunity. Steps, if any, be taken in 7 days failing which witness be produced on self-responsibility. Be listed for PWs for 03.06.2025.”

4. Thereafter, on 03.06.2025, the following order was passed by the Court:-

"No PW is present today. Time prayed. Granted as exceptional last opportunity on self-responsibility. Be listed for PWs for 05.08.2025. It is made clear that no further opportunity will be provided."

5. Thereafter, on 05.08.2025, the following order was passed by the Court:-

"As per report, steps not taken. No PW is present. At this stage, Id counsel for plaintiff moved an application seeking adjournment of the case on the ground that witness is unable to appear before this Court today as he is critically ill and is bed ridden.

Heard. Record perused.

Perusal of file goes to show that today was exceptional last opportunity provided to the plaintiff to lead his evidence, however, today Id. counsel for plaintiff moved application for adjourning the case as witness is critically ill and is bed ridden. The application is not opposed by the opposite party. In this case evidence not brought as witness is critically ill and is bed ridden, therefore, the present application is considered and allowed in the interest of justice. Let, the matter be listed for PWs on 08.10.2025 being exceptional last opportunity on self-responsibility. It is made clear that no further opportunity will be provided."

6. On 08.10.2025, one PW Dinesh was present, whose statement was recorded and no other PWs was present, the learned Trial Court closed the evidence of the plaintiff by passing the impugned order.

7. As already observed by this Court hereinabove, this Court does not find any infirmity therein. It is evident from the record that the impugned order was passed by the learned Trial Court on the 5th opportunity which was granted to the plaintiff to lead evidence. It is also a matter of record, as it could not be shown to the contrary by the learned counsel, that even as on the date when the impugned order was passed by the learned Trial Court no list of witnesses was filed by the plaintiff. That being the case, obviously, the learned Trial Court was not supposed to wait till eternity for the plaintiff to lead evidence and as sufficient opportunities were granted to the plaintiff to lead evidence, it rightly closed the right of the plaintiff to lead evidence by passing the order dated 08.10.2025.

8. In light of the above observation, this petition is dismissed. Pending miscellaneous applications, if any, stand disposed of.

(Ajay Mohan Goel)
Judge

December 29, 2025
(*Vinod*)