

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.286 of 2026

Decided on: 02.07.2026

Premi Devi

....Petitioner

Versus

Mehar Singh & others

...Respondents

Coram

Hon'ble Mr. Justice Romesh Verma, Judge

Whether approved for reporting?

For the petitioner: Mr. Ashok Kumar Verma, Advocate.

For the respondents: Mr. Parveen Chandel & Mr. Sahil Singh
Thakur, Advocates, for respondent No.1
to 4.

Romesh Verma, Judge (Oral)

The instant petition arises out of order as passed by learned Civil Judge, Jhandutta, District Bilaspur, dated 18.05.2026, whereby the evidence of the defendant/petitioner has been ordered to be closed.

2. The facts as emerge in the present case are that the respondents/plaintiffs filed a suit for declaration, injunction and in the alternative for possession against the defendants.

3. The defendants were duly served for 04.10.2021 and on the said date, defendant No.5 neither appeared herself nor through her counsel. Therefore, she was proceeded ex-parte on 04.10.2021. Thereafter, the petitioner/defendant No.5 filed an

application for setting aside the said order, which came to be allowed on 30.09.2024, subject to payment of costs of Rs.1,000/-. The case was fixed for the evidence of the defendants and admittedly, various opportunities were granted to the defendants to lead her evidence, but she failed to do so. Consequently, learned trial Court was constrained to close the evidence of the present petitioner. This Court has gone through the impugned order and is of the considered opinion that there is no infirmity in the same and the learned trial Court has rightly passed the said order.

4. However, in the interest of justice and as a matter of indulgence, last and final opportunity is granted to the present petitioner/defendant No.5 to lead her evidence, subject to payment of costs of Rs.7,500/- to be paid to the respondents on the next date of hearing, which has already been fixed by learned trial Court. It is made clear that in case the costs is not paid to the respondents, in that event, the benefit of this order shall not be applicable to the petitioner.

5. Needless to say that one last and final opportunity is granted to the petitioner/defendant No.5 to lead and conclude her evidence.

6. Consequently, the present petition is allowed along with pending application(s) if any.

(Romesh Verma)
Judge

July 02, 2026