

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CMPMO No. 466 of 2026
Decided on : 24.08.2026**

Smt. Sarla Mehta

...Petitioner.

Versus

Sh. Vishal Singh & others

...Respondents.

Coram

Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the petitioner: Mr. Neeraj Gupta, Senior Advocate with
Mr. Ajeet Jaswal, Advocate.

For the respondents: Nemo.

Romesh Verma, Judge (oral)

The instant petition has been filed challenging the order dated 6th April 2026, passed by the learned Senior Civil Judge, Court No.1, Rohru, District Shimla, H.P., whereby evidence of the petitioner was closed.

2. The facts as emerge in the present case are that the plaintiffs/respondents have filed a suit for permanent prohibitory injunction restraining the defendants from interfering in any manner or planting apple plants over land comprised in Khata No. 8 Min, Khasra No. 235, area measuring 00-01-61 hectares and Khasra No. 237, area measuring 00-14-68 hectares, situated in Chak Jakhnoti, Tehsil Chirgaon, District Shimla, H.P. and also from dispossessing the plaintiffs from the suit land either by themselves

¹ Whether reporters of Local Papers may be allowed to see the judgment?

or through their agents, servants, family members, labourers, etc., in any manner whatsoever.

3. The suit has been contested by the defendants by filing written statement taking therein preliminary objections with regard to maintainability, non-joinder, locus standi etc.

4. The learned trial Court framed the issues in the matter on 11th January 2023, in the following manner:

“1. Whether the plaintiffs are entitled for permanent prohibitory injunction to the effect that defendants are restrained from interfering in any manner over the suit land khata No.8 min, khasra no.235 area measuring 00-01-61 hectares, khasra no.237 area measuring 00-14-68 hectares, situated in chak Jakhnoti, Tehsil Chirgaon, District Shimla, HP, as alleged?...OPP

2. Whether the defendants are also restrained from planting any apple plants or doing any overt and covert act over the suit land or dispossessing or through their agents, family members, contractor or servants etc till the suit land is not partitioned, as alleged?..OPP

3. Whether the suit of the plaintiff is not maintainable, as alleged?..OPD

4. Whether the suit is bad for non-joinder of necessary party, as alleged?..OPD

5. Whether the plaintiffs have no locus standi to file the present suit, as alleged?..OPD

6. Whether the suit is bad for want of better particulars, as alleged?..OPD

7. Whether the plaintiffs have no cause of action to file the present suit, as alleged?..OPD

8. Whether this court has no jurisdiction to try and entertain the present suit, as alleged?..OPD

9. Relief.”

5. Thereafter the case was fixed for the evidence of the plaintiffs on 30th June 2023. The plaintiffs concluded their evidence on 10th December 2024, and thereafter the case was listed for the evidence of the defendants on 29th March, 2025. Admittedly, thereafter the case was listed on 29th March 2025, 26th June 2025, 10th December 2025, 28th February 2026, and finally on 6th April 2026 when the impugned order was passed.

6. The record shows that cost of ₹1,500/- was also imposed by the learned trial Court on 28th February 2026, which has also not been paid by the present petitioner.

7. From the perusal of the record, it reveals that the learned trial Court has not committed any error, and this Court does not find any infirmity in the impugned order. However, in the interest of justice, and as a matter of indulgence, the present petitioner is permitted to lead evidence, but that shall be subject to the payment of costs of ₹20,000/- to be paid by the petitioner to the plaintiffs/respondents on the next date of hearing.

8. This Court has been informed that the learned trial Court has fixed the matter on 29th August 2026. On the said date, the petitioner shall pay the said cost to the respondents, and

thereafter the learned trial Court shall adjourn the matter for leading of the evidence on behalf of the defendants.

9. The learned counsel for the petitioner has submitted that on account of personal difficulty, the petitioner will not be available in the town, therefore the date for recording the evidence of the defendants may be fixed after 5th September 2026. Therefore, the learned trial Court is directed to fix any date immediately after 5th September 2026 for recording the evidence of the defendants.

10. It is made clear that only one last and final opportunity is granted to the petitioner/defendants for leading evidence, failing which the impugned order shall revive.

11. Accordingly, petition stands disposed of, so also the pending miscellaneous application(s) if any.

(Romesh Verma)
Judge

August 24, 2026
(Nisha)