



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

CIVIL REVISION NO.37 OF 2025

5th June, 2026

Devendra Giri Goswami

...Revisionist

Versus

Pyare Lal Jaiswal

...Respondent.

Counsel for the revisionists : Mr. T.A. Khan, learned Senior Counsel assisted by Mr. Mohd. Shafy, learned counsel.

Counsel for the respondent : Mr. Sudhir Kumkar (through V.C.) and Mr. Kirti Sharan Agarwal, learned counsel.

JUDGMENT: (per Mr. Subhash Upadhyay, J.)

Heard learned counsel for the parties and with the consent of both the parties, the Civil Revision is being disposed of finally.

2. The revisionist has filed the present revision against the order dated 07.04.2025 passed by the Judge, Small Causes (II Addl. District Judge), Haldwani, District Nainital in SCC Suit No.32 of 2018 by which the application filed for adjournment was rejected and the right of the revisionist to produce the evidence has been closed.

3. Learned counsel for the revisionist submits that an application was filed seeking adjournment before the Trial Court on the ground that the revisionist was out of station for the treatment of his brother. He submits that at the last



moment the revisionist could not go out of station but the said fact could not be communicated to his counsel and the learned Court dismissed the said application filed for adjournment and the order impugned dated 07.04.2025 was passed by which the right of the revisionist to produce evidence has been closed.

4. Learned counsel for the respondent, however, contends that earlier also an application for adjournment was filed by the revisionist on the same ground (ill health of his brother) and the learned Trial Court had asked the revisionist to submit his evidence or else the said opportunity shall be closed. He submits that on the same ground the second adjournment application was filed and the learned Trial Court was justified in rejecting the said adjournment application.

5. Learned counsel for the revisionist submits that though on the said date the revisionist had to accompany his brother for medical treatment but he could not go on the said date, however, later on his brother died due to the said ailment, as such, the application filed by him was *bonafide*. He further submits that the closure of the right of the revisionist to produce the evidence would result in irreparable loss and, as such, the learned Trial Court ought to have allowed the said application though with some cost.

6. The aforesaid order dated 07.04.2025 was



challenged in the present revision and a Co-ordinate Bench of this Court vide order dated 28.04.2025 stayed the further proceedings of SCC Suit No.32 of 2018.

7. Learned counsel for the respondent submits that as the suit is pending since long and even after the interim order granted by the Court more than a year has elapsed, as such, he has no objection in case the learned Trial Court is directed to provide an opportunity to the revisionist to produce the evidence. He, however, submits that the learned Trial Court may be directed to decide the suit at the earliest as the same is pending since 2018.

8. Having heard learned counsel for the parties, this Court is of the view that the order dated 07.04.2025 by which the adjournment application moved by the revisionist was rejected and the right of the revisionist to produce the evidence has been closed is liable to be interfered, as such, the present revision is disposed of with the following directions:

1) The order dated 07.04.2025 by which the right of the revisionist to produce the evidence has been closed is set aside, subject to revisionist depositing a cost of ₹3,000/- which shall be paid by the revisionist to the respondent.

2) Learned Trial Court shall proceed with the suit



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and will provide an opportunity to the revisionist to submit his evidence.

3) No unnecessary adjournment shall be granted to the parties.

4) The learned Trial Court shall make every endeavour to decide SSC Suit No.32 of 2018, as expeditiously as possible, within the outer limit of six months from the date of receipt of a copy of this order.

9. Pending application, if any, also stands disposed of.

SUBHASH UPADHYAY, J.

Dt:05.06.2026

Sukhbant

**SUKHBANT
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