



CR-4503-2017 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CR-4503-2017 (O&M)
Date of decision:28.05.2024

Sunil Kumar & another

... Petitioners

Vs.

Jeeto Devi & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Jahar Singh, Advocate for the petitioners.

Mr. Sankalp Gehlawat, Advocate for
Mr. Satya Pal Khatri, Advocate for the respondents.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the petitioners/plaintiffs against the order dated 26.05.2017 (Annexure P-2) passed by the Civil Judge (Jr. Division), Naraingarh, vide which the evidence of the petitioners/plaintiffs was closed by order.

2. Brief facts material for purpose of adjudication of the present revision petition are that the plaintiffs filed a civil suit bearing No.CS/485/2015 dated 14.12.2015 seeking possession by way of specific performance of agreement to sell dated 21.11.2005 pertaining to land in dispute and the consequential relief of permanent injunction was also sought in the said civil suit.

3. During the pendency of the suit, petitioners/plaintiffs examined one witness, namely, Barkha Ram Saini, Notary Public, who had attested the agreement to sell. The other witness, namely, Sant Ram had been given up.



CR-4503-2017 (O&M) -2-

To prove their pleadings, plaintiffs/petitioners intended to examine two more witnesses i.e. the plaintiffs themselves and one Registry Clerk from the office of the Sub Registrar, Naraingarh to prove the attendance of the plaintiffs on 21.09.2015. The matter was repeatedly adjourned and seven opportunities were given to the petitioners to conclude their evidence. When the plaintiffs failed to conclude their evidence, despite availing all the effective opportunities, then ultimately, it was closed by order of the Court on 26.05.2017 (Annexure P-2). Hence, the revision petitioners/plaintiffs have knocked the doors of this Court by way of filing the instant revision petition.

4. It has been contended by learned counsel for the petitioners that the impugned order is unreasonable, violative of principles of natural justice, null and void and the same has caused great prejudice to the rights of the plaintiffs/petitioners. He has further contended that the petitioners were ready to give their evidence on 26.05.2017 and summoned witness was also present, but their counsel had not come present due to his ill health. He has submitted that the impugned order is contrary to the well settled law as it has been held in various judicial pronouncements that the cost is the panacea of all the remedies and has prayed that one effective opportunity may be granted to them for concluding their entire evidence.

5. On the other hand, learned counsel for the respondents has also no objection if one effective opportunity is granted to the petitioners subject to payment of heavy costs.

6. I have heard learned counsel for the parties at length and have



CR-4503-2017 (O&M) -3-

perused the record.

7. From the perusal of the impugned order, it transpires that despite availing of seven effective opportunities including the last opportunity, plaintiffs failed to conclude their evidence. Only, thereafter, their evidence was closed by the Court order vide the impugned order dated 26.05.2017.

8. Though there is no infirmity in the impugned order, yet, it would be appropriate and in the interest of justice, if the trial Court is directed to grant one effective opportunity to the petitioners/plaintiffs to conclude their evidence. As the proceedings before the trial Court remained stalled for all those years due to pendency of present revision petition, it will be subject to payment of Rs.15,000/- as costs to be paid to the respondents/defendants.

9. Keeping in view the above, the trial Court is directed to grant one effective opportunity to the petitioners to lead their entire evidence at their own responsibility subject to payment of Rs.15,000/- as costs to be paid to the defendants/respondents. Consequently, the impugned order dated 26.05.2017 (Annexure P-2) is set aside and the revision petition is allowed in the aforesaid terms.

10. Pending application(s), if any, shall also stand disposed of.

28.05.2024
harjeet

(SUKHVINDER KAUR)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |