



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 4352 of 2024 (O&M)
Date of Decision: 05.08.2024

M/s. Laggar International Casting Partition,
Sobti Nagar, VPO Nurpur, Pathankot Road,
Jalandhar through its proprietor Sandeep Sobti

..... Petitioner

Versus

Union Bank of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ish Mahajan, Advocate
for the petitioner-plaintiff.

HARKESH MANUJA, J. (ORAL)

The petitioner-plaintiff, by way of present revision petition filed under Article 227 of the Constitution of India, seeks setting aside of an order dated 27.03.2024 (Annexure P-2) passed by learned Civil Judge (Junior Division)-6, Jalandhar (**hereinafter to be called as “trial Court”**), whereby its evidence was closed.

[2] Briefly stating, the petitioner-plaintiff filed a suit for declaration claiming ownership and joint possession over the property in question being *Karta* of Hindu Undivided Family (HUF), besides praying for grant of permanent injunction, restraining the respondents from alienating or transferring the possession thereof. The aforesaid suit was contested at the hands of respondent-defendants, wherein the issues were framed on 31.01.2023 by the trial Court.

[3] A perusal of the record shows that though numerous opportunities were afforded to the petitioner so as to initiate and conclude its evidence, however, no steps were taken in this regard and ultimately, vide order dated 27.03.2024 passed by the trial Court, the evidence of petitioner-plaintiff was closed by Court's order. Hence, the present revision petition.

[4] Impugning the aforesaid order dated 27.03.2024, learned counsel for the petitioner submits that the petitioner-plaintiff would suffer irreparable loss having denied an opportunity to lead evidence, which was primarily on account of miscommunication between the petitioner-plaintiff and its Advocate.

[5] I have heard learned counsel for the petitioner and considered the submissions made on behalf of the petitioner.

[6] Keeping in view the submissions averred in the petition, without commenting upon the controversy in hand; purely in the interest of justice, the petitioner is granted **one effective opportunity** to conclude its entire oral as well as documentary evidence, else the petitioner-plaintiff would not be able to substantiate its cause of action pleaded in the plaint and would in a way be condemned unheard. The above liberty granted to the petitioner is, however, subject to payment of costs of Rs. 10,000/- which shall be deposited by the petitioner with the trial Court, to be disbursed in favour of the respondent(s)-defendant(s).

[7] In view of the above, the impugned order dated 27.03.2024 (Annexure P-2) passed by the trial Court is modified to the aforesaid extent only.

[8] **Disposed off** accordingly.

[9] Keeping in view the nature of proceedings, the present petition is being decided without issuing notice to the respondents, lest it may delay the progress of suit instituted at the instance of petitioner-plaintiff and may also burden them with unnecessary costs towards litigation expenses.

August 05, 2024
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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No