



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

116

CR-5541-2024
Date of decision: 24.09.2024

Suman Passi and others

...Petitioners

Versus

Kavita Passi and others

...Respondents

122

CR-5586-2024
Date of decision: 24.09.2024

Suman Passi

...Petitioner

Versus

Asha Rani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaneet Thakur, Advocate for
Mr. Arun Takhi, Advocate for the petitioner
(in both cases)

VIKAS BAHL, J. (ORAL)

1. This order will dispose of two revision petitions i.e., CR-5541-2024 and CR-5586-2024. CR-5541-2024 has been filed by four petitioners including petitioner No.1-Suman Passi, in which challenge is to the order dated 31.08.2024 (Annexure P-2) passed by the Civil Judge (Junior Division), Hoshiarpur in Civil Suit No.135 of 2017 titled as “Suman Passi



and others Vs. Kavita Passi and others”, whereby the defence of the petitioners/plaintiffs has been closed by order. CR-5586-2024 has been filed by Suman Passi/plaintiff against six respondents and challenge in the same is to the order dated 31.08.2024 (Annexure P-2) passed by the Civil Judge (Junior Division), Hoshiarpur in Civil Suit No.129 of 2017 titled as “Suman Passi Vs. Asha Rani and others”, vide which also, the evidence of the petitioner/plaintiff has been closed by order.

2. Learned counsel for the petitioner(s) has submitted that two civil suits were filed by the petitioner(s) and both the suits were for separate possession by way of partition with respect to the two separate portions of land situated in District Hoshiarpur and in the said cases, evidence of the petitioners/plaintiffs has been closed by order and the case before the trial Court is now fixed for 03.10.2024 for the purpose of defence evidence. It is further submitted by learned counsel for the petitioner(s) that the petitioner(s) would pray for grant of one effective opportunity, each, in both the civil suits and has also submitted that in case the said opportunity is not granted to them, then irreparable loss would be caused to them and they would not be able to produce the relevant evidence in support of their pleadings. It is submitted that the delay, if any, in the said proceedings would primarily prejudice the case of the petitioner(s) as it is their suits, for separate possession by way of partition which have been delayed. Learned counsel for the petitioners(s) has highlighted the zimni order dated 30.03.2024 passed in Civil Suit No.135 of 2017 in order to show that defendant No.8 in the said civil suit had been proceeded against ex parte



and thereafter, ex parte order had been set aside and the case was adjourned to 06.05.2024 for filing of written statement and a perusal of even the subsequent zimni orders after passing of the impugned order, would show that the written statement has not been filed by defendant No.8. It is submitted that at any rate, for the inconvenience caused to the defendants/respondents, the petitioners/plaintiffs are ready to compensate them. It has been pointed out that defendant Nos.6 and 7 are ex parte in civil suit No.135 of 2017 and defendant No.5 is ex parte in Civil Suit No.129 of 2017.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one opportunity should be granted to the petitioner(s) in both the cases and accordingly, both the revision petitions are partly allowed and the impugned orders dated 31.08.2024 in both the cases to the extent that evidence of the petitioner(s) has been closed by order, are set aside and one effective opportunity is granted to the petitioner(s)/plaintiffs in both the civil suits to lead their entire evidence at their own responsibility. Same would be subject to payment of costs of Rs.12,000/- in Civil Suit No.135 of 2017 to be distributed among defendants except defendant Nos.6 and 7 who are ex parte. With respect to Civil Suit No.129 of 2017, the same would be subject to the payment of costs of Rs.10,000/- to be distributed to the defendants therein except defendant No.5 who is stated to be exparte. The petitioner(s)/plaintiff(s) in both the cases would produce their witnesses on 03.10.2024 before the trial Court and the trial Court would grant one effective opportunity to the



plaintiff(s) in both the cases for leading their complete evidence. The petitioner(s) would also deposit an amount of Rs.12,000/- and Rs.10,000/- respectively on or before 03.10.2024 and the trial Court is directed to distribute the same to the defendants in the manner as stated hereinabove.

4. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail the expenses for respondents to defend the present revision petitions. However, it would be open to respondents to move an application for recalling of the present order in case any of the statements made before this Court is found to be false/incorrect.

24.09.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**