



CR-66-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(111)

CR-66-2025

Date of Decision: - 10.01.2025

Som Nath @ Soma Singh

....Petitioner

Versus

Municipal Council, Zirakpur

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Kamal Gupta, Advocate, and
Ms. Mandeep Kaur, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 226/227 of the Constitution of India for setting aside the impugned order dated 24.10.2024 (Annexure P-16) passed by the Civil Judge (Junior Division), Dera Bassi whereby the evidence of the petitioner/plaintiff has been ordered to be closed.

2. Learned senior counsel for the petitioner has submitted that earlier the petitioner had filed a petition bearing CR-5357-2024, which was disposed of in the following terms: -

“4. Having noticed the facts as pointed out by learned Senior counsel, and without issuing any notice to the respondent in order to avoid unnecessarily delay in the proceedings and in the interest of justice, this petition is hereby disposed of by setting aside the impugned order dated 03.02.2023 (Annexure P-6) and the subsequent order dated 12.08.2024 (Annexure P-9) with the direction to the trial Court to grant one opportunity to the petitioner/plaintiff to produce his entire evidence at his own, including the conclusion of his cross-examination. This order



CR-66-2025

-2-

is subject to payment of `10,000/- as costs to be deposited with the District Legal Services Authority, SAS Nagar (Mohali). It is directed that on the next date of hearing before the trial Court, the receipt regarding the deposit of costs shall be produced by the petitioner/plaintiff and the trial Court shall then fix the date for evidence of the petitioner/plaintiff. It is further made clear that in case the said cost is not deposited by the petitioner, then this order will have no effect.

5. Since this order has been passed without issuing any notice to the respondent in order to avoid unnecessary delay, the respondent will be at liberty to approach this Court in case it feels aggrieved.”

3. It is further submitted that on 21.09.2024, the said order was brought to the notice of the Court and an amount of Rs.10,000/- was also deposited and the case was adjourned to 24.10.2024 directing the plaintiff to produce his entire evidence. It is stated that however, on account of State level call for 'no work' having been given, the District Bar Association, Rupnagar (Punjab) passed a resolution on 23.10.2024 to abstain from work on 24.10.2024 and thus, on account of the same, the evidence could not be led on 24.10.2024 but the evidence of the petitioner was closed. It is further stated that thereafter, the case was listed to 08.11.2024 and 30.11.2024 and on both the said dates, no DW was present. Subsequently, on 04.01.2025, only the examination-in-chief of one of the defendant witness was recorded. It is submitted that effectively the one opportunity granted by a Co-ordinate Bench of this Court had not been given/utilized to the petitioner and thus, it is prayed that the order dated 24.10.2024 be set aside and the petitioner be granted one last effective opportunity to lead his entire evidence on his own, and for the inconvenience caused to the respondent, the petitioner is ready to pay the

**CR-66-2025****-3-**

reasonable cost.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one effective opportunity to conclude his entire evidence on his own and accordingly, the present revision petition is partly allowed and the impugned order dated 24.10.2024 is set aside to the extent that the evidence of the petitioner has been closed and the petitioner is granted one last effective opportunity to produce his entire evidence on his own, on the next date of hearing and the same would be subject to the petitioner depositing a cost of Rs.25,000/- on or before the next date of hearing. On depositing the said amount, the same would be released by the trial Court to the respondent-defendant .

4. It is made clear that in case, the said cost is not deposited by the petitioner till the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the petition and would also entail expenses for the respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any of the statement made before this Court is found to be false/incorrect.

January 10, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No