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

(117)

CR-282-2025

Date of Decision: - 17.01.2025

Parshotam Kumar through SPA

....Petitioner

Versus

Priya Bansal and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Varun Goyal, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 03.12.2024 (Annexure P-1) passed by the Civil Judge (Jr. Division), Barnala, whereby the evidence of plaintiff/petitioner has been closed by order. Challenge is also to the order dated 13.12.2024 (Annexure P-2) whereby the application for recalling/setting aside the order dated 03.12.2024 has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner is 79 years old and had filed a suit for declaration declaring the sale deed bearing No.6560 dated 25.05.2018 to be null and void. It is submitted that the petitioner had already examined three witnesses and had even submitted the examination-in-chief of PW-2 (plaintiff/petitioner) on 04.01.2024, on which date his cross-examination was deferred on the request of counsel for defendants No.3 and 4. It is



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further submitted that the petitioner had got summon issued to MHC of the concerned police station where the FIR had been registered against defendants No.1 and 2 but in spite ofailable warrants, the said MHC had not appeared. It is submitted that although the trial Court has granted sufficient opportunities to the petitioner but in case one more opportunity is not granted to the petitioner to get the said PW-2 cross-examined and to lead evidence of the said MHC, which the petitioner would do at his own responsibility, then, irreparable loss would be caused to the petitioner. It is submitted that for the inconvenience caused to the respondents, the petitioner is ready to pay reasonable costs. It is also submitted that till date no evidence of the defendant has been led and the next date before the trial Court is 18.01.2025.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one opportunity to lead his entire evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 03.12.2024 as well as the order dated 13.12.2024 are set aside to the extent that the evidence of the petitioner has been closed by order, with the following directions: -

- (i) Petitioner would deposit an amount of Rs.20,000/- on or before 20.01.2025 and on him depositing the said amount, the same would be released by the trial Court to defendants No.1 to 4 in equal proportions, i.e., Rs.5,000/- each. It is made clear that in case the said amount is not deposited by the petitioner within the aforesaid period, then the present



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revision petition would be liable to be dismissed.

- (ii) The trial Court would give a date to the petitioner for producing the petitioner and the petitioner would appear on the said date for the purpose of cross-examination. Due opportunity would be granted to the respondents to cross-examine the petitioner. In case the petitioner does not appear on the date so given by the trial Court, then, no further opportunity would be given to him.
- (iii) It would also be open to the petitioner to produce the MHC at his own responsibility on the date so given by the trial Court and in case the said MHC appears as the witness of the petitioner, then, he would also be examined and cross-examined. In case, however on the said date the MHC does not appear, then, no further opportunity would be granted to the petitioner.

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

January 17, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
 Whether reportable?

Yes/No
 Yes/No