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

CR-841-2025

Date of decision: 10.02.2025

Jugraj

...Petitioner

Versus

Mamta

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lovepreet Singh Sidhu, Advocate for
Mr. Gursaab Singh Mall, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.11.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Ferozepur vide which the evidence of the petitioner-plaintiff has been closed by order.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit for declaration to the effect that he is owner of residential house consisting of one room, lobby, kitchen, bathroom and Courtyard. It is submitted that the evidence of the petitioner had been closed by order on 06.11.2024 and the case was adjourned to 13.12.2024 on which date, the matter was adjourned to 16.01.2025 and thereafter to 13.02.2025. Neither on 13.12.2024 nor on 16.01.2025, the evidence of the defendant was produced and thus, no witness of the defendant was examined. It is further submitted that in case one last opportunity is not granted to the petitioner to conclude his evidence then irreparable loss would be caused to him. It is submitted that for



the delay and inconvenience caused, plaintiff-petitioner is ready to compensate the respondent with adequate costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last opportunity on payment of adequate costs be granted to the petitioner to conclude his evidence. Accordingly, the present revision petition is partly allowed and the impugned order dated 06.11.2024 to the extent that evidence of the petitioner-plaintiff has been closed by order, is set aside and the petitioner-plaintiff is granted one last effective opportunity to conclude his entire evidence. The same would be subject to the petitioner depositing an amount of Rs.15,000/- within a period of one week from today before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the respondent.

4. It is made clear that in case the said amount is not deposited or the evidence is not concluded, then the present revision petition would be deemed to have been dismissed.

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

10.02.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**