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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1020-2025

Date of decision : 17.02.2025

Gurdev Singh (deceased) through his LR

... Petitioner

Versus

Gurpal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Arzo Modi, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 03.02.2025 (Annexure P-3) passed by the Civil Judge (Jr.Div.), Malerkotla, vide which the evidence of the petitioner has been closed by order.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had led his entire evidence and his evidence was closed on 06.01.2024. It is submitted that as many as seven witnesses have been examined by the plaintiff. It is further submitted that thereafter on 24.01.2024, 31.01.2024 and 19.02.2024, the case was adjourned for defendants' evidence and on the said dates, no defendants' witness was examined and thereafter, on 29.02.2024, an application under Order 1 Rule 10 CPC was filed by applicants seeking to be impleaded as defendants no.9

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to 12 (respondents no.9 to 12 herein) and the said application was allowed on 27.05.2024 and even thereafter the added respondents had taken time to file the written statement and ultimately on 03.09.2024 issues in the case were framed. It is submitted that the petitioner had filed a civil revision challenging the order vide which the application under Order 1 Rule 10 CPC for impleading defendants no.9 to 12 was allowed and it was on the said account, that the evidence was not being led by the petitioner again. It is submitted that the said revision petition was dismissed on 04.02.2025 and in the meantime, the evidence of the petitioner was closed by order vide order dated 03.02.2025. It is further submitted that since the petitioner has already led evidence of 7 witnesses and since four parties have been added, the petitioner would have to lead his evidence again and thus, prays for three effective opportunities for the said purpose.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner is entitled to three effective opportunities to lead his entire evidence. Accordingly, the present petition is partly allowed and the impugned order dated 03.02.2025 to the extent that the evidence of the plaintiff has been closed by order is set aside and the petitioner is granted three effective opportunities to conclude his entire evidence and the same would be subject to the petitioner depositing an amount of Rs.12,000/- within a period of 10 days from today which would be paid to respondents no.9 to 12 herein, who are stated to be contesting parties, in equal proportions.

4. In the present case, no notice is being issued to the respondents



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as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents 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.

(VIKAS BAHL)
JUDGE

February 17, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No