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128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5349 of 2025 (O&M)
DATE OF DECISION: 11.08.2025

PUNJAB & SIND BANK

.....PETITIONER

Vs.

M/S SURYA ENTERPRISES AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Anant Bir Singh Sidhu, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 17.07.2025 (Annexure P-12), passed by the learned Additional Civil Judge (Senior Division), Chandigarh, in Civil Suit No. 358 of 2022, titled *Punjab and Sind Bank vs. M/s Surya Enterprises and others*, whereby the evidence of the revisionist-petitioner/plaintiff was closed “by order.”

2. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

3. Learned counsel for the revisionist-petitioner submitted that a suit for recovery of ₹5,74,571.07/- had been filed against respondent No. 1 – M/s Surya Enterprises. The written statement was filed, issues were framed, and thereafter the revisionist-petitioner examined three witnesses in support of its case. However, on 17.07.2025, no witness was present, and



the learned Additional Civil Judge (Senior Division), Chandigarh, observed that the revisionist-petitioner had already availed ten opportunities for concluding evidence but had failed to do so. Accordingly, the evidence of the revisionist-petitioner/plaintiff was closed “by order.”

4. Learned counsel for the revisionist-petitioner further submitted before this Court that only one witness remains to be examined, and that the said official, being posted in Gujarat, could not appear before the learned trial Court on the given date. It was prayed that one last opportunity be granted to the revisionist-petitioner to examine the said witness before the learned trial Court.

5. In view of the order proposed to be passed, notice is not being issued to the respondents as it would delay the proceedings besides entailing additional expense to the defendants/respondents.

6. Keeping in view the above, this Court is of the view that, since public money is involved, the revisionist-petitioner deserves one more opportunity to examine the said witness. Accordingly, without making any comment on the actual merits of the case, the present petition is allowed, the impugned order dated 17.07.2025 (Annexure P-12), passed by the learned Additional Civil Judge (Senior Division), Chandigarh, is set aside, and the revisionist-petitioner is granted one effective opportunity to examine the said witness before the learned trial Court, which shall ensure that such opportunity is duly availed.

7. It is made clear that failing to avail of the opportunity to lead evidence in terms of this order, the revisionist-petitioner/plaintiff shall not be entitled to any further opportunity for the said purpose, and the lower

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Court shall proceed with the matter without this order having any bearing on the trial.

8. As the present revision petition is being allowed in the absence of the defendants/respondents, liberty is granted to them to seek recalling of this order, if valid grounds for the same are made out.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 11, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking

Yes/No

Whether Reportable

Yes/No