



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

**CR-6950-2024
DECIDED ON: 22.01.2025**

ANIL KUMAR

.....PETITIONER

VERSUS

TARA CHAND AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Rahul Yadav, Advocate
for the petitioner.

VIKRAM AGGARWAL, J

The present revision petition is directed against the order dated 27.03.2023 (Annexure P-3) passed by the Court of Additional Civil Judge (Senior Division), Rewari vide which the evidence of the petitioner-plaintiff was closed.

2. A suit for declaration and permanent injunction (Annexure P-1) was filed by the petitioner-plaintiff. Upon written statement having been filed, issues were framed on 30.04.2019. However, evidence of the petitioner-plaintiff was closed vide order dated 27.03.2023, leading to the filing of the present revision petition.

3. Learned counsel for the petitioner submits that though the petitioner-plaintiff and his counsel have been remiss in pursuing their case, only one opportunity be granted to the petitioner-plaintiff to conclude his evidence failing which, the rights of the petitioner-plaintiff shall be gravely harmed.

4. I have considered the submissions made by learned counsel for the petitioner.

There would be no necessity of issuing notice to the respondents,



for in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

6. Issues in the case were framed as far back as on 30.04.2019 and for the next six dates i.e. till 30.01.2020, no witness appeared. On 07.03.2020, two witnesses appeared out of which, PW-1 Anil Kumar could only get his testimony recorded in chief and his cross-examination was deferred, though of course, on request of learned counsel for the defendant. Thereafter, Covid-19 intervened and even thereafter, starting from 15.09.2021 till 27.03.2023 when the impugned order was passed, no witness appeared on behalf of the petitioner-plaintiff. The trial Court was also content and did not issue any coercive process for procuring the presence of at least a witness who had not appeared after his examination in chief was recorded. This Court is conscious of the fact that there is heavy pendency before the Courts and cause lists are also heavy. However, at the same time, it cannot be an excuse to not pass effective orders.

7. Be that as it may, the petitioner-plaintiff has been extremely careless in pursuing his case. Litigants like these are clogging the Courts. Even after the impugned order having been passed on 27.03.2023, the present revision petition was filed in November 2024 i.e. after about 01 year and 08 months. In any case, the interlocutory orders placed on record shows that the matter is still at the stage of evidence of the respondents-defendants and the same has in fact not even begun as no witness has been examined. If the conduct of the petitioner-plaintiff is considered, no opportunity deserves to be granted. However, the same may result in an irreparable loss to the petitioner-plaintiff and, therefore, keeping in view that the matter is still at the

initial stage of defendant evidence, I deem it appropriate to grant one opportunity to the petitioner-plaintiff at his own responsibility to lead and conclude his evidence.

In view of the above, the present revision petition is allowed, the impugned order 27.03.2023 (Annexure P-3) passed by the Court of Additional Civil Judge (Senior Division), Rewari is set aside and the trial Court is directed to grant one effective opportunity to the petitioner-plaintiff to lead and conclude his evidence at his own responsibility. This shall, however, be subject to payment of Rs.25,000/- as costs be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh.

22.01.2025
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No