



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

(120)

CR No. 7357 of 2024 (O&M)

Date of Decision: 08.05.2025

Rajinder Kumar

...Petitioner

Versus

Bhupinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. S. K. Choudhary, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The present revision petition is directed against the order dated 04.10.2024, passed by the Court of learned Civil Judge (Jr. Division), Dasuya, vide which the evidence of the plaintiff was closed.

2. The facts, as emanating from the revision petition are that a suit (Annexure P-1) was instituted by the petitioner/plaintiff for declaration. After the matter having remained pending for service of the defendant and thereafter for completion of pleadings, issues were framed on 24.07.2023 after which evidence of the petitioner/plaintiff commenced. Despite having availed more than 15 opportunities, the petitioner/plaintiff was unable to conclude his evidence as a result of which, vide impugned order dated 04.10.2024, the same was closed. Even the costs imposed upon the petitioner/plaintiff were not deposited.

3. Learned counsel for the petitioner submits that the petitioner/plaintiff requires only one effective opportunity to conclude his evidence. He submits that in case such opportunity is not granted, the interests of the petitioner/plaintiff shall be gravely prejudiced. He also

submits that the costs imposed by the Court before the evidence was closed shall duly be deposited by the petitioner/plaintiff.

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

5. The suit was instituted in 2019. However, a perusal of the interlocutory orders, some of which have been placed on record as Annexure P-4 (collectively), the matter remained pending for service, decision on the application for injunction etc., till 24.07.2023 when issues were framed. Thereafter, more than sufficient opportunities were granted to the petitioner/plaintiff to lead and conclude his evidence. However, since the same was not done, the evidence was being closed vide impugned order dated 04.10.2024. A perusal of the interlocutory orders shows that on some dates, the witnesses of the petitioner/plaintiff also remained present but could not be examined on a request having been made by the learned counsel representing the defendant. There is no legal error in the order passed by the learned trial Court vide which the evidence was closed. However, it is well settled that the matters should normally be decided on merits and adequate opportunity should be granted to both sides for proving their case. Since learned counsel for the petitioner/plaintiff has undertaken to deposit the costs as imposed by learned trial Court and has also submitted that only one effective opportunity is required for leading and concluding the evidence, I do not deem it appropriate to deny the said opportunity to the petitioner/plaintiff.

That being so, the present revision petition is allowed. The impugned order dated 04.10.2024, passed by the Court of learned Civil Judge (Jr. Division), Dasuya, vide which the evidence of the

petitioner/plaintiff was closed is set aside. The trial Court is directed to grant one effective opportunity to the petitioner/plaintiff to lead and conclude his evidence on a date to be fixed as per the convenience of the learned trial Court. This shall however be subject to costs of Rs.15000/- which shall be payable to the defendant. Needless to mention that the previous costs imposed by the learned trial Court would also be paid.

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

(VIKRAM AGGARWAL)
JUDGE

May 08, 2025
Rekha

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