



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(134)

CR-8229-2025 (O&M)
Date of Decision: 15.12.2025

SURINDER KAUR

...Petitioner

Versus

GURMAIL SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ajay Kumar Chaudhary, Advocate,
for the petitioner.

VIRINDER AGGARWAL,J.(ORAL)

1. This Civil Revision Petition has been filed under Article 227 of the Constitution of India assailing the order dated 11.03.2025 passed by the learned Civil Judge (Junior Division), Hoshiarpur, whereby the evidence of the petitioner was closed by order and subsequently, her application for recalling the order was dismissed vide order dated 07.07.2025.

2. Petitioner contends that a suit for specific performance of the contract has been filed by the respondent/plaintiff. Petitioner contested the suit by filing written statement. Court framed the issues and directed the parties to lead evidence. After conclusion of evidence of the respondent/plaintiff, case was adjourned for evidence of the petitioner. Petitioner tendered herself for evidence as DW4. She was required to make herself available for cross-examination but since petitioner and her husband was involved in other litigations, so petitioner could not appear in her cross-examination and has to stay away from the Court by handing over the Power of Attorney to her



husband to contest the suit. Even her husband could not appear in the Court for cross-examination on account of circumstances so created by the respondent/plaintiff. So, evidence of the petitioner was closed by order. Thereafter, she moved an application for recalling the order dated 11.03.2025 but that application was dismissed vide order dated 07.07.2025.

3. Petitioner assails the order on the grounds that learned Trial Court has failed to take notice of the fact that application for recalling the order was promptly moved and petitioner only requires an opportunity to conclude the evidence and that rules of procedure are hand maiden of justice and in order to provide fair trial to the petitioner, petition is required to be allowed.

4. I have heard counsel for the petitioner and have gone through the impugned order carefully.

5. Perusal of the order dated 07.07.2025 shows that petitioner/defendant has been given 17 effective opportunities to lead evidence and on 10.02.2025, last opportunity was granted to the petitioner but petitioner failed to conclude the evidence, so considering all these circumstances, it can safely be presumed that the learned Civil Judge has not committed any illegality or irregularity in exercise of the jurisdiction, vide which, the evidence of the petitioner has been closed but learned counsel for the petitioner has pointed my attention towards the current status of the civil suit which shows that the suit is still pending for rebuttal evidence for 16.12.2025.

6. Learned counsel pointed out that the learned Civil Judge is adjourning the case time and again for rebuttal evidence providing numerous opportunities to the respondent/plaintiff to lead rebuttal evidence whereas the evidence of the petitioner was closed by order.

7. Considering all the facts and circumstances, interest of justice would be served if petitioner is granted one opportunity to conclude the



evidence subject to the payment of cost of Rs.25,000/-. Out of the said payment of cost, Rs.5,000/- be deposited in the account of District Legal Services Authority, Hoshiarpur and the remaining amount be paid to the respondent.

8. Since the main case has been disposed of, pending miscellaneous application(s), if any, stands also disposed of.

15.12.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No