



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

**CR No. 9081 of 2025 (O&M)
DATE OF DECISION: 09.12.2025**

GURPARTAP SINGH BATH

.....PETITIONER

Vs.

UPKARJIT SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr.S.S.Salar, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for quashing the impugned order dated 08.10.2025 (Annexure P-8), whereby the evidence of the petitioner-plaintiff has been closed by order, as well as the order dated 28.11.2025 (Annexure P-10), whereby the application for review/recall of the aforesaid order dated 08.10.2025 (Annexure P-8) has also been dismissed.

2. Brief facts of the case are that the petitioner-plaintiff, through his attorney Jarnail Singh, filed a suit for declaration against the respondent-defendant to the effect that he is joint owner in possession to the extent of ½ share of the property.

2.1 Notice of the suit was issued to the respondent-defendant, who appeared and filed written statement. Thereafter, issues were framed on 01.07.2023 and the case was fixed for the evidence of the petitioner-plaintiff. The petitioner-plaintiff examined two witnesses. Thereafter, on



several occasions, the case was adjourned for the evidence of the petitioner-plaintiff.

2.2 In the order dated 08.10.2025 (Annexure P-8), the learned Civil Judge (Junior Division), Ludhiana, held that the petitioner-plaintiff had availed 20 effective opportunities to conclude his evidence but had failed to do so and had also failed to show any exceptional circumstances preventing him from adducing evidence. Accordingly, the evidence of the petitioner-plaintiff was closed by order on the said date.

2.3 The petitioner, through counsel, filed an application for recalling the aforesaid order dated 08.10.2025 (Annexure P-8) passed by the learned Civil Judge (Junior Division), Ludhiana, but the same was also dismissed vide order dated 28.11.2025 (Annexure P-10).

3. Learned counsel for the petitioner submits that valuable rights of the petitioner-plaintiff are involved in the civil suit. The reason for non-conclusion of the entire evidence was that Jarnail Singh, the attorney of the petitioner, was admitted in Shalby Multi-Speciality Hospital, Mohali, and due to this, the evidence could not be led before the learned Civil Judge. Attention of this Court has also been drawn to Annexure P-2 regarding the admission of Jarnail Singh in the said hospital.

3.1 It is further contended by learned counsel for the petitioner-plaintiff that only one effective opportunity be granted to conclude the evidence before the learned lower Court.

4. Heard.



5. In view of the facts of the case, this Court is of the opinion that issuance of notice to the respondent would unnecessarily delay the proceedings. As such, issuance of notice to the respondent is dispensed with.

6. Keeping in view the above and especially the fact that valuable rights of the petitioner-plaintiff are involved, this Court deems it appropriate that one effective opportunity be granted to the petitioner to conclude his entire evidence, subject to payment of costs.

7. The present petition is accordingly disposed of with a direction to the petitioner/attorney-holder Jarnail Singh to appear before the learned lower Court on the date already fixed, whereupon the learned lower Court shall grant an effective opportunity to the petitioner to conclude his entire evidence. The petitioner is further directed to deposit costs of Rs. 5,000/- with the District Legal Services Authority, Ludhiana, and to produce a copy of the receipt before the learned lower Court.

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

DECEMBER 09, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No