IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 628 of 2026
Date of decision: 06.11.2026

Hari Nand …Petitioner

Versus

Shankar Lal …Respondent

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting? [1]

For the Petitioner. *Mr. Nishant Khidtta, Advocate.*

For the Respondent: *None*

Vivek Singh Thakur, Judge

This petition has been preferred against the impugned order dated 08.09.2026 passed by Senior Civil Judge, Court No. 2, Shimla, H.P., in Suit for Permanent Prohibitory Injunction, Registration No. 64/2022, titled Hari Nand vs. Shankar Lal, whereby evidence of the plaintiff/petitioner has been closed by order of the Court.

2. On previous date, matter was adjourned to enable the learned counsel for the petitioner/plaintiff to place on record all relevant orders passed by the Court from the initial date, when the case was fixed

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

for recording the evidence of the plaintiff. Though, a large number of copies of orders have been placed on record, however, the first order, on which the matter was listed for recording of plaintiff's evidence, has not been placed on record. But, copy of order dated 21.10.2024 placed on record indicates that the case was listed for recording plaintiff's evidence on 21.10.2024 by an order passed on a date prior thereto. Therefore, the case was fixed for recording plaintiff's evidence somewhere in the year 2024.

3. On 21.10.2024, it was recorded in the order that neither steps were taken nor PWs were present, and the matter was adjourned for recording the evidence of PWs on 06.01.2025, on taking steps within 7 days.

4. On 06.01.2025, neither steps were taken nor PWs were present. Again, the matter was adjourned for recording the evidence of PWs on 17.06.2025.

5. On 17.06.2025, as the Presiding Officer was not available, the matter was adjourned for 21.06.2025.

6. On 21.06.2025, due to non-availability of the Presiding Officer, the matter was adjourned for 08.08.2025 for effective hearing. However, on 08.08.2025, neither steps were taken nor PWs were present, and the matter was adjourned for recording of evidence of PWs on 26.11.2025, on taking steps within 10 days, being last opportunity.

7. On 26.11.2025, neither steps were taken nor PWs were present, however, time, as prayed, was allowed to produce PWs on self-responsibility on 31.03.2026.

8. On 31.03.2026, no PWs were present. Again, the matter was adjourned for producing the witnesses on self-responsibility on 09.07.2026, again being the last opportunity.

9. On 09.07.2026, no PWs were present. However, prayer was again allowed, subject to payment of costs of ₹500/-, to produce the evidence on 08.09.2026. On 08.09.2026, no PWs were present.

10. In the aforesaid background, for non-production of the witnesses, despite granting numerous opportunities, the evidence of the plaintiff/petitioner has been closed by order of the Court, by rejecting prayer for granting one more opportunity.

11. At this stage, learned counsel for the petitioner/plaintiff submits that prior to 08.09.2026, another Advocate was representing the petitioner/plaintiff, and on 08.09.2026, an application on behalf of the petitioner/plaintiff was filed to place on record power of attorney of another counsel engaged by the petitioner/plaintiff afresh.

12. Filing of an application for placing on record power of attorney of a new counsel engaged by the plaintiff or changing the counsel, shall not change the facts and circumstances, in which the evidence of the plaintiff has been closed by Trial Court. Therefore, I am of

the considered opinion that no ground is made out for interference in the impugned order.

Accordingly, present petition is dismissed. Pending application(s), if any, also stand(s), disposed of.

(Vivek Singh Thakur),
Judge.

6th November, 2026
(Susheel)