

129

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-2182-2026****Date of Decision: 09.03.2026****NATHA SINGH @ NATHA SINGH BRAR****...Petitioner****Vs.****NISHAN SINGH AND ANOTHER****...Respondents****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:** Mr. Savreet Singh Brar, Advocate
for the petitioner.**VIRINDER AGGARWAL, J. (Oral)**

1. The present revision petition has been filed under Article 227 of the Constitution of India, seeking to set aside the order dated 30.01.2026 (Annexure P-1) passed by the learned Additional Civil Judge (Senior Division), Faridkot, whereby the evidence of the petitioner was directed to be closed. The petitioner challenges the said order on the grounds that the same has been passed prematurely and without affording a fair opportunity to adduce the remaining evidence.

2. A perusal of the impugned order reveals that the petitioner/plaintiff had filed a suit for specific performance of the agreement to sell dated 30.12.2020, which was contested by respondent No.1. Issues in the suit were framed on 18.04.2023. The petitioner appeared as PW-1 on 05.09.2023; however, his cross-examination was deferred at the request of the counsel for respondent No.1. Thereafter, the matter remained pending for examination of the remaining witnesses of the plaintiff. PW-2 and PW-4 were examined on 14.07.2025, and PW-3 was examined-in-chief, with his cross-examination deferred at the request of respondent No.1 on 08.10.2025. PW-1

appeared subsequently, but his cross-examination was again deferred at the request of the counsel for respondent No.1, and respondent No.1 was burdened with costs on 31.10.2025. The matter was adjourned to 28.11.2025 to explore the possibility of a compromise and thereafter to 23.12.2025 and 30.01.2026. The petitioner could not appear on 28.11.2025, and ultimately, vide the impugned order dated 30.01.2026, the evidence of the petitioner was closed. Aggrieved by the said order, the present revision petition has been filed.

3. I have heard counsel for the petitioner has gone through the paper-book carefully.

4. A perusal of the case history reveals that the petitioner/plaintiff was granted ample opportunities to conclude the evidence. His evidence remained pending for over two years, and on the last three dates of hearing, he failed to appear without any cogent or satisfactory explanation. In these circumstances, there is no illegality or infirmity in the impugned order passed by the learned Additional Civil Judge (Senior Division), Faridkot, which would warrant interference by this Court in the exercise of its revisional jurisdiction.

5. Considering that the testimony of the petitioner/plaintiff is of utmost importance and that his interest in the suit for specific performance of the agreement to sell would be prejudiced if he fails to submit to cross-examination, in such an eventuality, his testimony would not be read into evidence. Keeping in view the interests of justice and to enable the parties to contest the matter on its merits, the petitioner is granted one final and effective opportunity to present himself for cross-examination. This opportunity is



subject to the payment of costs amounting to Rs. 50,000/-, of which Rs. 10,000/- shall be deposited in the account of the District Legal Services Authority, Faridkot, and the remaining Rs. 40,000/- shall be paid to the respondent/defendant.

6. In view of the above, the present petition is disposed of.

(VIRINDER AGGARWAL)
JUDGE

09.03.2026

kv

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>