

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****125****CR-2328-2026 (O&M)****Date of decision: 12.03.2026****Ashok Kumar****...Petitioner(s)****Vs.****Kamaljit Shoor****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner/plaintiff laying challenge to the order dated 12.12.2025 (Annexure P-14) whereby evidence of the petitioner has been closed by order; **and** to the order dated 30.01.2026 (Annexure P-17); whereby application filed by the petitioner for recalling the above said order dated 12.12.2025, has also been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that in the interest of justice only one effective opportunity may be granted to the petitioner to lead and conclude his evidence. It is submitted that evidence could not be led on 12.12.2025, as the learned counsel representing the petitioner before the learned Trial Court was busy in another Court for arguments. Even the petitioner was out of station due to death of his close relative. It is contended that procedural



wrangles cannot be allowed to come in the way of grant of substantial justice. Grave injustice shall be caused to the petitioner in case the impugned order is sustained. It is argued that to do justice, sometimes technicalities are to be ignored. It is accordingly prayed that the present Revision Petition be allowed; and the impugned orders be set aside.

3. No other argument is raised by learned counsel for the petitioner. I have heard learned counsel and perused the file. I find no merit in the submissions advanced on behalf of the petitioner.

4. Brief facts of the case in chronological order are as follows: -

08.07.2021: Petitioner had filed civil suit dated 08.07.2021 (Annexure P-1) for possession by way of specific performance of Agreement to Sell; and for permanent injunction.

20.10.2022: Notice was issued in the suit as well as in the application under Order 39 Rules 1 and 2 CPC to the defendant.

09.10.2024: Vide order dated 09.10.2024 (Annexure P-3), the said application under Order 39 Rules 1 and 2 CPC, was allowed; and defendant was restrained from alienating the suit property during the pendency of the suit; and issues were framed.

Annexure P-4 (colly): Zimni orders (Annexure P-4 colly.), show that thereafter matter was repeatedly adjourned at request of learned counsel for the petitioner for evidence of the petitioner.

28.07.2025: Vide order dated 28.7.2025, last opportunity was granted to the petitioner to lead evidence subject to cost of Rs.300/-.



06.08.2025: On 06.08.2025 (Annexure P-5), again last opportunity was given to the petitioner to conclude evidence. It was further observed that the case had been fixed for plaintiff evidence from 09.10.2024 and since then plaintiff has availed numerous opportunities to conclude his evidence, but petitioner has failed to do so.

24.09.2025: On 24.09.2025 (Annexure P-9), again last opportunity was given to the petitioner.

08.10.2025: On 08.10.2025 (Annexure P-10), last opportunity was given to the petitioner subject to cost of Rs.500/-.

02.12.2025: On 02.12.2025 (Annexure P-12), petitioner paid the cost but again matter was adjourned for plaintiff evidence.

12.12.2025: Finally vide impugned order dated 12.12.2025 (Annexure P-14), evidence of the petitioner was closed by order.

12.12.2025: On the same date, petitioner moved an application for recalling of order dated 12.12.2025, which was adjourned to 17.12.2025.

07.01.2026: On 07.01.2026 defendant had filed reply (Annexure P-15), to the application of the petitioner for recalling of order dated 12.12.2025.

30.01.2026: Vide second impugned order dated 30.01.2026 (Annexure P-17), application of the petitioner for recalling of the order dated 12.12.2025 was dismissed.

5. From a bare reading of the above facts, it is clear that petitioner has availed as many as 12 opportunities to lead evidence. Yet not a single witness has been examined by the petitioner till date.



Admittedly issues were framed in the matter as far back as vide order dated 09.10.2024 (Annexure P-3). In a period of over one and a half years, despite grant of 12 opportunities, petitioner has failed to lead, let alone conclude his evidence. Even no valid or justifiable reason has been given by the petitioner for not leading evidence despite 12 opportunities. Clearly, therefore, petitioner has no value whatsoever for judicial time.

6. In the above noted undisputed facts and circumstances of the case, it is apposite to refer to landmark judgment of the Hon'ble Supreme Court in **Shiv Cotex v. Tirgun Auto Plast P. Ltd. (SC) : Law Finder Doc Id # 271160**; wherein it has been clearly and categorically held that failure to lead evidence beyond 3 opportunities, is not permitted. In the present case, no such calamitous and unavoidable circumstances have been brought to the notice of this Court that would justify non-production of evidence of the petitioner.

7. In view of the above, no ground is made out to interfere in the impugned orders dated 12.12.2025 (Annexure P-14) and 30.01.2026 (Annexure P-17) passed by learned Civil Judge (Junior Division), Jalandhar. The present Civil Revision Petition is hereby **dismissed**.

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

12.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No