



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

(128)

CR-2265-2026 (O&M)

Date of Decision:-10.03.2026

BALWINDER SINGH @ KAKA

... Petitioner

Versus

JOGINDER PAL NARULA AND OTHERS

....Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Harpreet Pal Singh Bungar, Advocate,
for the petitioner.

Mr. Mohit Jaggi, Advocate,
for the respondents.

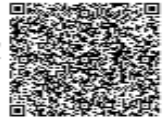
VIRINDER AGGARWAL, J. (Oral)

1. This Civil Revision Petition has been filed assailing order dated 16.02.2026 (for short 'impugned order') vide which learned Additional Civil Judge, SAS Nagar, Mohali (for short 'learned trial Court') has closed the evidence of the petitioner by order.

2. Respondent/plaintiff filed a suit for possession. The same was resisted by the petitioner by filing written statement and parties were called upon to lead evidence. Respondent/plaintiff closed the evidence on 27.11.2024 and since then it is petitioner/defendant, who was leading evidence. Petitioner/defendant has examined six witnesses and vide impugned order, the learned trial Court closed the evidence. Aggrieved by that order, the present revision petition has been filed.

3. The revision petition is resisted by respondents. Mr. Mohit Jaggi, Advocate has put in appearance on behalf of the respondents and filed his power of attorney, which is taken on record.

4. I have heard learned counsel for the parties and gone through the file carefully.



5. Relevant portion of the impugned order reads as under:-

“DW-6 Bawa Singh is present and cross-examined through Local Commissioner. No other defendant evidence is present. Perusal of the file shows that case has been pending for defendant evidence since 11.12.2024, but till date, defendant has not conclude its evidence. As such, evidence of the defendant is closed by order.”

6. Perusal of the file shows that when the case was pending for leading evidence on behalf of petitioner/defendant No.1, he moved an application for permission to summon the witnesses namely Sushil Kumar and concerned Clerk from PSPCL along with record. That application was allowed by learned trial Court vide order dated 09.01.2026 and diet money was accordingly deposited on 12.01.2026.

7. In the impugned order, the learned Civil Judge has nowhere referred as to if any notice was issued to the witnesses sought to be summoned vide that application and what was the fate of the notices if issued, so, the order suffers from material illegality. When the Court has allowed the party to deposit diet money of the witnesses, it was obligatory upon the Court to issue notices to the witnesses whose diet money has been deposited by the party concerned. No doubt while allowing application for deposit of diet money of the witnesses, the Court should have been more careful as petitioner/defendant was leading evidence since November 2024 and the application was filed only in January 2026 at much belated stage. The assistance of the Court should have been allowed only to a party, who submits the list of witnesses and deposit the diet money of the witnesses before the first date when the case was fixed for leading evidence on his/their behalf.



8. In view of the fact that learned trial Court has already allowed the application for leading additional evidence, the present petition is disposed of with a direction to the learned trial Court to grant petitioner/defendant only one effective opportunity to conclude his evidence.

9. Counsel for the petitioner has undertaken that they will made the witnesses available at their own responsibility and the learned trial Court will assist the petitioner by issuing *dasti* summons with regard to witnesses to be examined, whose diet money has been deposited by the petitioner.

10. Pending miscellaneous application(s), if any, are also disposed of.

10th March, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No