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

CR-2406-2026

Date of decision: 13.03.2026

Kamal Mongra

...Petitioner

Versus

Ashwani Mongra

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaibhav Parashar, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 16.02.2026 (Annexure P-3) passed by the Civil Judge (Junior Division), Gurugram, whereby the evidence of the petitioner has been closed by order.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit for partition, possession and permanent injunction and thus, delay in the proceedings would primarily prejudice the rights of the petitioner. It is further submitted that after framing of the issues, the petitioner had already examined two witnesses and wanted to examine Suresh Kumar and Ankit Tewatia who are both summoned witnesses and the said two witnesses were summoned. It is submitted that a perusal of order dated 08.12.2025 would show that Ankit Tewatia, Deputy Manager,



Axis Bank, had even appeared after being summoned but had not brought the summoned record and thereafter, was discharged and was bound down for the next date of hearing. It is further submitted that further coercive steps should have been taken to summon the said Ankit Tewatia as per the provision of Order 16 Rule 10 CPC. It is further highlighted that a perusal of orders dated 03.10.2025 and 11.11.2025 would show that bailable warrants were issued to witness namely Suresh Kumar who was also the summoned witness and on 08.12.2025, it was observed that bailable warrants issued to Suresh Kumar have not been received back either served or otherwise but instead of taking further coercive steps to summon the said witness, the trial Court vide order dated 16.02.2026 has closed the evidence of the petitioner. It is submitted that since several dates have passed since the framing of issues on 14.03.2023 thus, the petitioner only seeks two effective opportunities to examine his entire evidence at his own responsibility and for the inconvenience caused to the defendant, he is also ready to pay cost of Rs.30,000/-.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner should be granted two effective opportunities to examine the remaining witnesses and the same would be at his own responsibility. Accordingly, the present revision petition is partly allowed and order dated 16.02.2026 is set aside and the petitioner is granted two effective opportunities after 16.03.2026 to lead his entire evidence at his own responsibility. Same would be subject to the petitioner depositing the cost of Rs.30,000/- within a period of two weeks from today which amount would be released by the trial Court to the respondent/defendant.

4. In the present case, no notice is being issued to the respondent as issuance of notice to the respondent would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

13.03.2026
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No