

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

(121)

CR-2309-2026 (O&M)

Date of Decision:-12.03.2026

BALJIT SINGH

... Petitioner

Versus

HARBHAJAN KAUR (SINCE DECEASED) THROUGH HER LRS ... Respondents

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Arshvir Singh Sandhu, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. By way of present petition filed this petition under Article 227 of the Constitution of India, petitioner has assailed the order dated 31.01.2026 (Annexure P-6) passed by learned Additional Civil Judge (Senior Division), SAS Nagar, Mohali, whereby the evidence of the petitioner/plaintiff was closed and application filed by the petitioner for recalling of the above said order was also dismissed vide order dated 17.02.2026 (Annexure P-4).

2. Learned counsel for the petitioner/plaintiff submits that the petitioner/plaintiff engaged counsel only on 31.01.2026 and the counsel sought adjournment on the grounds that he intends to acquaint himself with the case file; however, the same was not accorded to him by the learned Trial Court and on the very same day, the evidence of the petitioner/plaintiff was closed by order of the Court. It is therefore, submitted that the order passed by the learned Trial Court be set aside and petitioner/plaintiff be granted only one effective opportunity to lead his evidence.

3. Perusal of the paper book shows that on 31.01.2026, Mr. M.S. Bains, learned counsel had put in appearance on behalf of the petitioner/plaintiff and had filed power of attorney on behalf of the petitioner/plaintiff. Record further shows

that number of opportunities were given to the petitioner/plaintiff to conclude the evidence and there is nothing on record to show as to what prevented petitioner/plaintiff to conclude his evidence, so, there is no illegality or perversity calling for any interference by this Court in its revisional jurisdiction.

4. Learned counsel for the petitioner contended that in the interest of justice, one opportunity be granted to the petitioner/plaintiff as the litigations are required to be adjudicated on merits and not on technicalities. No prejudice would be caused to the respondent/defendant if petitioner is allowed to lead his evidence on merits and for delay caused, respondent/defendant can be compensated by award of cost.

5. Considering all the facts and circumstances, I am of the considered opinion that interest of justice would be met if the petitioner is allowed to conclude his evidence by grant of one effective opportunity subject to the payment of cost of Rs.25,000/-. Out of the said cost, Rs.5,000/- be deposited in the account of District Legal Services Authority, SAS Nagar, Mohali and remaining cost be paid to the respondent/defendant. Impugned order dated 31.01.2026 is hereby set aside.

6. Petition stands disposed of accordingly.

7. As a natural corollary, since the main cases stand disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

12th March, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No