



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

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CR No.2776 of 2026 (O&M)
Date of Decision: 01.04.2026

Baldev Kaur

...Petitioner

V/s

Sikander Singh Mann @ Sakandar Singh Mann and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Arun Takhi, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 16.02.2026 (Annexure P-7) passed by the Court of Additional Civil Judge (Sr. Divn.), Shaheed Bhagat Singh Nagar, vide which the evidence of the petitioner-plaintiff was closed.

2. The facts, as emanating from the revision petition are that the petitioner-plaintiff filed a suit for declaration, permanent injunction and joint possession against the respondents-defendants on 11.05.2023. The respondents-defendants appeared and filed their written statement on 18.12.2023. Issues were framed on 08.10.2024 and the case was adjourned for petitioner-plaintiff's evidence consecutively seven times. Eventually, by way of the impugned order dated 16.02.2026, the evidence of the petitioner-plaintiff was closed, leading to the filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the entire dispute is with regard to the estate of Tara Singh @ Avtar Singh (the deceased husband of the petitioner) and effect of registered Will dated 08.02.2010. He

further submits that on 19.01.2026, learned counsel for the respondents himself prayed for deferment of the cross-examination of Naib Raj (PW1) on the ground that certified copies of the said Will and certain other documents were not readily available, upon which the trial Court deferred the cross-examination of PW1 for 16.02.2026. However, on the said date, the evidence of the petitioner-plaintiff was closed by order without any fault on his part.

5. Learned counsel prays that one effective opportunity be granted to the petitioner to conclude his evidence, failing which the rights of the petitioner shall be gravely prejudiced. He submits that the petitioner had exercised due diligence but despite the same, evidence could not be concluded in time. Learned counsel undertakes that the petitioner would not delay the proceedings and would lead and conclude the evidence in one effective opportunity.

6. I have considered the submissions made by learned counsel for the petitioner.

7. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

8. Admittedly, the suit was filed on 11.05.2023. The respondents-defendants appeared and filed their written statement on 18.12.2023. Issues were framed on 08.10.2024 and the case was adjourned for petitioner-plaintiff's evidence consecutively seven times including last opportunity. However, a perusal of the interlocutory order dated 19.01.2026 reveals that the matter was not adjourned on the request of the petitioner-plaintiff but was adjourned on the request of learned counsel for the respondents-defendants. The petitioner seeks only one effective opportunity to conclude his evidence. In the considered opinion of this Court, such opportunity should be granted, for, matters should be decided on merits rather than on technicalities. Under

the circumstances, I deem it appropriate to grant one effective opportunity to the petitioner-plaintiff to lead and conclude his evidence.

9. Accordingly, the revision petition is allowed and the impugned order dated 16.02.2026 (Annexure P-7) passed by the Court of Additional Civil Judge (Sr. Divn.), Shaheed Bhagat Singh Nagar, vide which the evidence of the petitioner-plaintiff was closed by order, is set aside. The trial Court is directed to grant one effective opportunity to the petitioner to lead and conclude his evidence on a date to be fixed by it. This shall however, be subject to payment of costs of Rs.10,000/-, which shall be paid to the respondents-defendants.

(VIKRAM AGGARWAL)
JUDGE

April 01, 2026

vcgarg Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No