



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

(144)

CR-2967-2026 (O&M)
Date of Decision: **06.04.2026**

BANARSI DASS

... Petitioner

Versus

MARKET COMMITTEE TOHANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

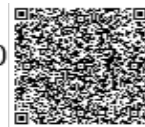
Present:- Mr. Pawan Attri, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has preferred the instant civil revision under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court to assail the order dated 23.02.2026 passed by the learned Additional Civil Judge (Senior Division), Pehowa. By way of the impugned order, the petitioner-defendant's evidence was closed by order of the Court.

2. The underlying litigation involves a suit for recovery of ₹35,81,330/-, along with interest, instituted by the respondent-plaintiff (Market Committee) against the petitioner-defendant. The suit is being contested by the petitioner through a detailed written statement.

3. Following the settlement of issues on 29.09.2022, the respondent-plaintiff was afforded over ten opportunities to conclude its



evidence, which was eventually closed on 05.03.2025. Subsequently, the petitioner-defendant was granted eight effective opportunities to adduce evidence before the trial Court passed the order of closure. The petitioner contends that this disparity in the number of opportunities—contrasted against the twenty granted to the plaintiff—has resulted in grave procedural prejudice. It is further submitted that unless a reasonable opportunity to lead evidence is provided, the petitioner shall suffer irreparable loss and a miscarriage of justice.

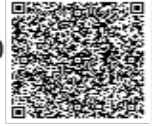
4. I have considered the submissions advanced by the learned counsel for the petitioner and have meticulously perused the paper-book.

5. The impugned order, which forms the subject matter of this challenge, is reproduced as under:-

“Today was the 11th opportunity for defendant evidence. No DW is present today. Learned counsel for defendant requested that the evidence of defendant be closed by court orders. Perusal of file shows that as many as 11 effective opportunities have been given to the defendant to conclude his evidence but he failed to do the needfull. No further adjournment for the same purpose is justified. Hence, under these circumstances, the evidence of defendant is hereby closed by court orders on the request of learned counsel for defendant.

Now, to come upon 11.03.2026 for rebuttal evidence, if any and for arguments.”

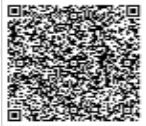
6. A perusal of the impugned order reveals that the learned counsel for the petitioner-defendant himself moved the Court to close the evidence by court order. The record explicitly reflects that the defendant was afforded "eleven effective opportunities" to conclude their evidence.



These proceedings demonstrate that the petitioner was granted ample latitude to lead evidence in rebuttal to the respondent-plaintiff's case; however, they failed to avail themselves of the same. Notably, even the learned counsel for the petitioner at the trial stage did not find it justifiable to seek further adjournments. Consequently, the order passed by the learned Civil Judge is untainted by any illegality or jurisdictional infirmity and represents a valid exercise of judicial discretion.

7. Regarding the petitioner's prayer for a solitary opportunity to conclude their evidence, it is significant to note that the revision petition is conspicuously silent as to the specific nature of the evidence intended to be produced. Furthermore, during oral arguments, the learned counsel for the petitioner was unable to specify what evidence the petitioner seeks to lead should such an opportunity be granted. This leads to the inescapable conclusion that the present petition is merely a dilatory tactic aimed at impeding the progress of the suit. In light of the above, finding no merit in the revision petition, the same is hereby dismissed.

8. It is, however, clarified that the observations recorded hereinabove are confined solely to the adjudication of the present revision and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated herein shall prejudice the rights, claims, or contentions of either party during the substantive trial or in any other proceeding, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.



9. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, stand disposed of as having been rendered infructuous. No further orders are necessitated in this regard.

06.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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