



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

CR-3403-2026

Date of Decision: 22.04.2026

BALDEV SINGH @ GURDEV SINGH

..... Petitioner

VERSUS

DARBARA SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Karan Singla, Advocate and
 Mr. Malvi Aggarwal, Advocate
 for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 26.02.2026 (Annexure P-11) passed by the Court of learned Additional Civil Judge (Senior Division), Dhuri, vide which the evidence of the plaintiff/petitioner has been ordered to be closed.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with as it would only delay the proceedings and cause unnecessary expenditure to the said respondents.

3. Before proceeding further, the impugned order dated 26.02.2026 is reproduced as under:

“Witness ASI Makhan Khan is present however learned counsel for the plaintiff sought an adjournment. Perusal of



the file shows that plaintiffs have already availed numerous effective opportunities and final opportunities to conclude their evidence but failed to do so. In the interest of justice, no more opportunity is granted to the plaintiffs to conclude their evidence and the evidence of plaintiffs stands closed by order. Case is now adjourned to 25.03.2026 for defendants' evidence."

4. I have heard the learned counsel for the petitioner/revisionist and have gone through the material on record.

5. Learned counsel for the petitioner/revisionist contended that the petitioner has filed a civil suit for permanent injunction restraining the respondents from interfering in their peaceful exclusive possession of land bearing Khasra Nos.1342/9-7, 1343/9-8, and 1347/6-5 situated in the revenue estate of Village Dhadhokal, Tehsil Dhuri. Learned counsel further contended that PW1 Rupinder Kaur has already been completely examined on 13.10.2025. Learned counsel next contended that on 26.02.2026, the impugned order was passed while the witness namely ASI Makhan Khan was present in court but the counsel for the petitioner was busy in another matter titled *State vs. Jeevan Lal* before the learned Civil Court, Payal. It is further contended that the matter had been kept to be taken up after lunch by the learned trial court and by the time, counsel reached the court at Dhuri, the evidence had already been ordered to be closed. An affidavit of the counsel (Annexure P-13) has been placed on record to this effect. Learned counsel contended that the impugned order is harsh as the witness was present and in the interest of justice, one



opportunity be afforded to the petitioner to conclude his evidence so that the case can be decided on merits.

6. I find force in the contentions raised by learned counsel for the petitioner.

7. A perusal of the record shows that although the case was fixed for evidence on 18.10.2023 and sufficient opportunities were granted including one subject to costs on 28.10.2025, yet the closure of evidence is a harsh order with far-reaching consequences. The petitioner has provided a bona fide reason for the brief delay on the date the impugned order dated 26.02.2026 was passed as the counsel was busy before another court. Moreover, the witness namely ASI Makhan Khan was already present in court which shows that plaintiff was interested in examining the said witness. The closure of evidence in such circumstances, when the witness was present is a harsh order.

8. Accordingly, in the interest of justice, one opportunity is granted to the petitioner to lead and conclude his entire evidence, subject to payment of Rs.5,000/- as costs to be paid to the respondents and the impugned order is accordingly set aside.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

22.04.2026
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No