



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CR No. 3745 of 2026 (O&M)

Date of Decision : 04.05.2026

Savita Devi (now deceased) through legal heirs

...Petitioner

Versus

Chanwati Devi @ Chaunoti and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Lalit Kumar Yadav, Advocate for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.09.2025 passed by the learned Additional Civil Judge (Senior Division), Panchkula, whereby the evidence of the petitioner–plaintiff was closed by order of the Court, as well as the order dated 04.11.2025, whereby the application filed under Section 151 CPC for leading additional evidence was dismissed.

2. Briefly stated, the petitioner–Savita Devi (since deceased), through her legal heirs, instituted a suit for mandatory injunction seeking a direction to the respondents to pay damages to the tune of ₹1,62,325/- on account of alleged illegal and forcible demolition of a constructed portion of the house in question. Upon notice, the respondents appeared and filed their written statement. Issues were framed and the matter was fixed for evidence of the petitioner–plaintiff. Despite availing several opportunities, the



petitioner failed to lead her evidence. Consequently, vide order dated 30.09.2025, the learned trial Court closed the evidence of the petitioner and adjourned the case for defendants' evidence.

3. Thereafter, the petitioner moved an application under Section 151 CPC seeking permission to lead additional evidence by examining one Kaka Ram, Architect, and to tender documents prepared by him. The said application was contested by the respondents and came to be dismissed by the learned trial Court vide order dated 04.11.2025.

4. Learned counsel for the petitioner contends that Kaka Ram, Architect, is a material witness whose testimony is essential for the effective adjudication of the case. It is submitted that denial of an opportunity to examine the said witness would cause serious prejudice to the petitioner. Learned counsel for the petitioner further contends that the petitioner has a valuable interest involved in the lis and prays for one effective opportunity to examine PW Kaka Ram, Architect and for tendering the documents prepared by the said witness for the proper adjudication of the case.

5. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

6. I have heard learned counsel for the petitioner and perused the record.

7. Having considered the submissions and the material available on record, this Court is of the view that, in the interest of justice, one effective opportunity deserves to be granted to the petitioner to conclude her evidence, particularly when the proposed witness appears to be material for



proper adjudication of the dispute.

8. Consequently, the present petition is allowed. The impugned orders dated 30.09.2025 (Annexure P-1) and 04.11.2025 (Annexure P-5) passed by learned Additional Civil Judge (Sr. Divn.), Panchkula are hereby set aside subject to the petitioner depositing costs of ₹5,000/- with the District Legal Services Authority, Panchkula.

9. The petitioner-plaintiff shall appear before the learned trial Court on the date already fixed or on a date to be fixed by the trial Court and shall be afforded one effective opportunity to conclude her entire evidence, including examination of the aforesaid witness. It is made clear that no further opportunity shall be granted.

10. The Registry is directed to forward a copy of this order to learned Civil Judge (Jr. Divn.), Panchkula, for compliance.

11. All pending application(s), if any, stand disposed of accordingly.

May 04, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No