



CR-3754-2026 (O&amp;M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-3754-2026 (O&amp;M)

Date of Decision: 04.05.2026

SUNIL KUMAR @ SUNIL KUMAR YADAV

..... Petitioner

Versus

RANDHIR AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Atul Yadav, Advocate  
for the petitioner.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1. This revision petition is directed against the order dated 25.03.2026 (Annexure P-4) passed by the Court of learned Additional Civil Judge (Senior Division), Pataudi, vide which the evidence of the defendant/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 25.03.2026 is reproduced as under:

*“No DW is present. Ld. proxy counsel for defendant sought an adjournment however the same was highly opposed by learned counsel for the plaintiffs submitting therein that the defendant has availed several effective*



*opportunities yet the evidence has not been concluded. In view of the same, no further opportunity is granted to the defendant for the purpose of leading evidence and evidence of the defendant stands closed by order. Case is now adjourned to 06.05.2026 for rebuttal evidence if any and for arguments.”*

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 respondents/plaintiffs have filed a suit for specific performance of an agreement and permanent injunction regarding land measuring 4 kanal situated in the revenue estate of Village Bhora Kalan, Tehsil Pataudi. Learned counsel further contended that the petitioner-defendant has already examined himself as DW1 on 19.11.2025 and was cross-examined on 18.02.2026. Learned counsel next contended that on 25.03.2026, the impugned order was passed because the counsel representing the defendant was unable to attend the court proceedings due to some personal difficulty and the proxy counsel had made a request for a short adjournment. Learned counsel contended that the impugned order is harsh 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. In the present case, a suit for specific performance has been instituted by the plaintiff-respondent and the plaintiff has already concluded his evidence and the case was fixed for evidence of the defendant since 05.02.2025. The defendant himself had stepped into the witness box and had examined himself and he was cross-examined on



18.02.2026. The impugned order further shows that on 25.03.2026, the counsel representing the defendant was not present and some proxy counsel appearing on his behalf had sought an adjournment but the learned Trial Court closed the evidence of the defendant by order. However, in my considered opinion, the order vide which the evidence has been ordered to be closed is harsh in nature and has far-reaching consequences. The suit has been instituted for specific performance of an agreement allegedly executed by the defendant and as such, reasonable opportunity should be given to the defendant to defend his suit and the interest of justice, thus, demands that one opportunity should be given to the defendant to lead evidence, particularly because the counsel representing him was not present in the Court on that day.

7. 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. It is made clear that in case, the defendant moves an application for summoning some witnesses, the Trial Court shall allow him to serve the witnesses *dasti* on deposit of necessary expenses and it shall be the responsibility of the defendant-petitioner to produce the witness on the date fixed.

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

(YASHVIR SINGH RATHOR)  
JUDGE

04.05.2026

*Ali*

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No