

2026:PHHC:070417



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

CR No.3834-2026 (O&M)
Date of Decision: 06.05.2026

Rajesh Kumar ...Petitioner
Versus
Gurvinder Singh ...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. B.S. Mittal, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 19.03.2026 passed by the Court of Additional Civil Judge (Senior Division), Ellenabad, District Sirsa, vide which the evidence of the petitioner was closed by order.

2. As per the facts on record, a suit for recovery filed by the respondent-plaintiff. The same was decreed *ex-parte* vide judgment and decree dated 08.04.2024. An application filed under Order 9 Rule 13 CPC filed by the petitioner-defendant was dismissed vide order dated 02.09.2025 passed by the Court of Additional Civil Judge (Senior Division), Ellenabad, Sirsa. However, an appeal filed against the said decision, was allowed by the Court of Addl. District Judge, Sirsa, vide order dated 01.11.2025 and the matter was remanded for decision afresh after framing of issues and granting two opportunities to the parties.

2.1 On 19.02.2022, the petitioner had moved an application seeking permission to take specimen signatures,

which was allowed and the case was adjourned to 24.02.2026. On the said date, AW1-Rajesh Kumar was examined and another witness i.e. AW1-Shrisha (Ahlmad of the Court), was bound down for 19.03.2026. It was also directed that the report of the handwriting and fingerprint expert be submitted within 10 days. However, the trial Court, vide order dated 19.03.2026, closed the evidence of the petitioner by order.

3. Learned counsel for the petitioner submits that it has been throughout the case of the petitioner that his signatures on the summons of the civil suit, were forged and fabricated. It is further submitted that the report of the handwriting and fingerprint expert was tendered in the Court, but the said expert could not come present due to a personal difficulty. It is further argued that another witness i.e., concerned Ahlmad of the Court was bound down for 19.03.2026. Learned counsel submits that while passing the impugned order, the trial Court wrongly observed that the petitioner had not produced his evidence despite grant of last opportunity. He submits that one opportunity be granted to the petitioner to lead and conclude his evidence.

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

5. There would be no necessity of issuing notice to the respondent, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to him.

6. The impugned order arises out of the proceedings in an application under Order 9 Rule 13 CPC filed by the petitioner seeking setting aside of the *ex-parte* order dated 28.08.2023 and

judgment and decree dated 08.04.2024. The trial Court observed in the impugned order that no other witness of the petitioner was present despite last opportunity, but the fact remains that the petitioner had already tendered the report of the handwriting and fingerprint expert and the said expert could not come present due to some personal difficulty. The petitioner prays for only one opportunity to lead and conclude his evidence.

8. In the considered opinion of this Court, such opportunity should be granted, for, this Court is of the considered opinion that 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-defendant to lead and conclude his evidence.

9. Accordingly, the revision petition is allowed and the impugned order dated 19.03.2026 passed by the Court of Additional Civil Judge (Senior Division), Ellenabad, District Sirsa, vide which the evidence of the petitioner was closed, 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.15,000/-, which shall be paid to the respondent-plaintiff.

(VIKRAM AGGARWAL)
JUDGE

06.05.2026
ds

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No