

2026:PHHC:070410



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

CR No.3829-2026 (O&M)
Date of Decision: 06.05.2026

Shiam Lal alias Sham Lal

...Petitioner

Versus

Sanjeev Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sukhdeep Singh, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 30.04.2026 passed by the Court of Civil Judge (Senior Division), Rajpura, vide which the evidence of the defendant was closed by order.

2. A suit for specific performance of the agreement to sell dated 17.06.2020 in respect of land measuring 01 bigha being 20/237 share of the defendant out of land measuring 11 bighas 17 biswas (fully described in the plaint), was filed by the plaintiff on 21.07.2021. In the alternative, recovery of Rs.4,00,000/- (i.e. Rs.3,00,000/- as earnest money and Rs.1,00,000/- as damages) was also sought.

3. After plaintiff's evidence was closed vide order dated 25.11.2024, the case was fixed for defendant's evidence. However, on 30.4.2026, when the case was fixed for defendant's evidence, an application was moved by the defendant seeking an adjournment due to his illness. The trial Court, vide order dated

30.04.2026, dismissed the said application and closed the evidence of defendant by order, observing that despite having availed 27 effective opportunities, the defendant had failed to conclude his evidence.

3. Learned counsel for the petitioner refers to the interlocutory orders (Annexure P-2, colly) passed by the trial Court to submit that that on as many as nine occasions, the matter was adjourned for exploring the possibility of an amicable settlement. Still further, he submits that on some other occasions, the case was adjourned due to the Members of Bar Association, Rajpura, having abstained from work.

3.1 It is further argued that the petitioner is 70 years of age and the application for adjournment was moved as due to sudden spike in the blood pressure of the defendant, his son DW1-Basant Kumar, had to take him to Chandigarh for treatment. Learned counsel submits that the request made by the defendant was *bona fide* and the trial Court took a hyper technical view and closed the evidence of the petitioner-defendant by order. 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. Admittedly, the suit was filed on 22.07.2021. After framing the issues, the case was fixed for 10.10.2024 for plaintiff's evidence, which was concluded on 25.11.2024. The

case was fixed for defendant's evidence for 12.12.2024. Examination-in-chief of DW1-Basant Kumar was recorded on 13.02.2025 and thereafter, the case was adjourned to 21.02.2025 for his cross-examination and the remaining evidence of the defendant. Subsequently, on multiple occasions, counsel for the parties had sought time to explore the possibility of an amicable settlement. However, the said efforts remained unsuccessful.

7. Be that as it may, a perusal of the file shows that on 30.04.2026, the defendant, who is stated to be 70 years of age, had moved an application seeking an adjournment on the ground of ill health. Though the trial Court observed that despite having availed 27 opportunities, the defendant had failed to conclude his evidence, yet the fact remains that examination-in-chief of DW1-Basant Kumar, stands already recorded and the defendant prays for only one opportunity to lead and conclude his evidence.

8. The case is at the stage of evidence of the defendant, evidence of the plaintiff having been closed vide order dated 25.11.2024. 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 30.04.2026 passed by the Court of Civil Judge (Senior Division), Rajpura, 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