



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

(122)

CR-3857-2026

Date of Decision:-07.05.2026

BALBIR SINGH

... Petitioner

Versus

BALWINDER SINGH AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Pushpinder Kaushal, Advocate, and
Mr. Devansh Pandit, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present civil revision petition under Article 227 of the Constitution of India has been filed assailing the order dated 17.04.2026 passed by the learned Civil Judge (Junior Division), Kharar (hereinafter referred to as the “learned Trial Court”), whereby the learned Trial Court, vide the impugned order, closed the evidence of the petitioner/plaintiff by order.

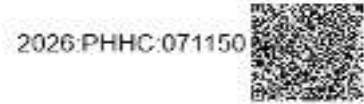
2. Learned counsel for the petitioner submitted that the impugned order is patently arbitrary, unjust, unfair, unreasonable, and non-speaking in nature. It has further been contended that on the previous date of hearing, on which the impugned order came to be passed, the petitioner had tendered his examination-in-chief and his cross-examination was deferred to the next date. However, on the said date, the petitioner could not appear before the learned Trial Court on account of a miscommunication by the clerk of the counsel for the petitioner, who wrongly informed the counsel that the work in the Court stood suspended



and that the presence of the petitioner was not required for recording of his evidence. The petitioner was further informed to remain present on the next date, i.e. 23.04.2026. However, when the petitioner appeared before the Court on 23.04.2026, he came to know that his evidence had already been closed by order of the learned Trial Court, as there was, in fact, no suspension of work on 17.04.2026.

3. A perusal of the impugned order shows that there was no suspension of work in the Court on 17.04.2026 and it was the duty of the petitioner/plaintiff himself to remain present before the learned Trial Court for conclusion of his evidence and not merely depend upon the clerk of the counsel. Thus, the learned Trial Court cannot be faulted for passing the order dated 17.04.2026, whereby the evidence of the petitioner/plaintiff was ordered to be closed.

4. At this stage, learned counsel for the petitioner prayed that the petitioner be granted only one effective opportunity to conclude his evidence. Considering the fact that the petitioner has sought only one effective opportunity and that the respondents can be adequately compensated by way of costs, and further considering that it should always be the endeavour of the Courts to decide cases on merits rather than on technical grounds, the present revision petition is disposed of with a direction to the learned Trial Court to grant the petitioner one effective opportunity to conclude his evidence, subject to payment of costs quantified at Rs.10,000/-. Out of the said amount, Rs.2,000/- shall be deposited with the fund maintained by the District Legal Services



Authority, Kharar, and the remaining amount of Rs.8,000/- shall be paid to the respondents.

07th May, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No