

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

111

CR-4110-2026

Date of decision: 15.05.2026

SWARANBIR KAUR

....Petitioner

Versus

PRITPAL SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ankur Ghai, Advocate (Through VC) with
Mr. Nitin Sachdeva, Advocate for the petitioner.

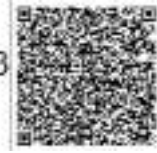
YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the order dated 26.02.2026 (Annexure P-1) passed by the Court of learned Civil Judge (Junior Division), Ludhiana, vide which the evidence of the petitioner/defendant No.2 has been ordered to be closed.

2. I have heard learned counsel for the petitioner and have gone through the material placed on the file.

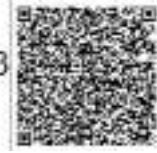
3. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

4. A perusal of record shows that after the plaintiff concluded his evidence, the case was fixed for evidence of defendant No.2 and defendant No.1



- 2-

was to lead evidence subsequently. On 20.01.2026, which was the first date fixed for evidence of defendant No.2, DW-2 Gurinder Mohan was present and he tendered his affidavit. His cross-examination was deferred on the request of plaintiff. He was bound down and the case was adjourned to 21.01.2026 for remaining evidence of defendant No.2 and for cross-examination of DW-2, on which date, witness was present but co-defendants stated that they will cross-examine DW-2 after cross-examination by plaintiff. On that day, plaintiff also moved an application for directing legal heirs of defendant No.1 to cross-examine him first and the case was adjourned to 22.01.2026. On the adjourned date, the application was disposed of and plaintiff was directed to cross-examine the witness before cross-examination could be conducted by defendant No.1 and case was adjourned to 27.01.2026. On 27.01.2026, witness was present but he was not cross-examined by plaintiff and case was adjourned to 30.01.2026 and on that date, cross-examination was again deferred and case was adjourned to 02.02.2026. On 02.02.2026, DW-1 Gurinder Mohan came after lunch break but counsel for plaintiff was not available and case was adjourned to 03.02.2026 for his cross-examination, on which date he was cross-examined by plaintiff and case was adjourned to 04.02.2026 for cross-examination by defendant No.1 and on that date, he was partly cross-examined and case was adjourned to 05.02.2026. On the adjourned date, witness was present but lawyers had suspended the work and the case was adjourned to 10.02.2026 for the same purpose, on which date he was again partly cross-examined and case was adjourned to 11.02.2026. On 11.02.2026 also, he was partly cross-examined and case was adjourned to 13.02.2026. On the adjourned date, witness was present but was not cross-examined and case was



- 3-

adjourned to 18.02.2026. On the adjourned date, an application was moved for exemption of DW-2 on the ground that he had a fall and has suffered fracture and cannot appear and the said application was supported by a medical certificate. Case was adjourned to 20.02.2026, on which date also similar application was moved and case was adjourned to 24.02.2026, despite the fact that as per certificate issued by the doctor he had been advised best rest for four weeks and he was unable to travel. On the adjourned dates also, similar application was moved and a prayer was also made that in view of the fact that DW-2 has suffered injuries, his cross-examination be deferred and remaining defendants be directed to lead their evidence and that he may be cross-examined after defendant No.1 concludes the evidence. Thereafter, case was adjourned to 26.02.2026. However, on 26.02.2026, the application was dismissed and the evidence of defendant No.2 was ordered to be closed. Trial Court also observed that it is a 20 years old case and no further adjournment can be granted.

3. However, in my opinion, the trial court ought to have adjourned the case by four weeks as DW-2 is 86 years of age and had been regularly appearing in the Court. He had suffered fracture due to fall and it can be assumed that such an injury will take a long time to heal and since doctor had also advised him bed rest, the evidence should not have been ordered to be closed, even if the suit was 20 years old, as a party cannot be deprived of its right to lead evidence. Moreover, the witness had been regularly appearing for the last 10 dates but was not cross-examined completely for no fault of his and in case, the evidence is ordered to be closed in such a manner, the rights of defendant No.2 shall be adversely affected.

4. In view of the above, the present petition is allowed and the



impugned order dated 26.02.2026 (Annexure P-1) is set aside and the trial Court is directed to grant sufficient opportunities to defendant No.2 to lead his evidence.

5. Pending application, if any, shall stand disposed of.

15.05.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No