



CR-4187-2026

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

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CR-4187-2026

Date of decision: 18.05.2026

Gamdur Singh and another

...Petitioners

Versus

Sohan Singh @ Ram Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Mohan Singla, Advocate,
for the petitioners.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, 1950, for setting aside the impugned order dated 16.03.2026 (Annexure P-5) passed by the learned Civil Judge (Junior Division), Tohana, District Fatehabad, in CS-12/2024, whereby the learned trial Court closed the evidence of the petitioner/plaintiff.

2. The brief facts of the case are that the petitioners-Gamdur Singh son of Ram Singh and Jarnail Singh S/o Nahar Singh had filed a suit for symbolic possession by way of specific performance in respect of the suit property against respondent-Sohan Singh and others. Notice of the said suit was issued to the respondents/defendants, who contested the same by filing their written statement. Thereafter, as many as six issues were framed by the learned trial Court and the case was fixed for evidence of the petitioners/plaintiffs. Further, as per Annexure P-3, the present petitioners moved an application for depositing the expenses of witnesses and for summoning the witnesses, which was allowed by the learned trial Court.



Thereafter, the case was regularly fixed for evidence of the petitioners/plaintiffs. The interim order dated 15.01.2026 reflects that one PW namely Sachin, Record Keeper, was present and was examined as PW-4 through Court Commissioner, whereafter the case was adjourned to 05.02.2026. On 05.02.2026, no evidence on behalf of the petitioners was present and the summons issued to the Patwari Halqa were received back unserved. Consequently, the case was adjourned to 05.03.2026 and fresh summons were ordered to be issued to the witnesses. Further, on 05.03.2026, again no evidence on behalf of the petitioners/plaintiffs was present and the summons issued to the Patwari Halqa had not been received back. Accordingly, the case was adjourned to 16.03.2026 for evidence of the petitioners/plaintiffs. On 16.03.2026, two PWs were examined. However, the interim order passed by the learned trial Court records that the plaintiffs/petitioners had already availed several effective opportunities, including a last opportunity, for concluding his evidence, but he failed to do so. Consequently, the evidence of the petitioners/plaintiffs was closed by order of the Court.

3. Learned counsel for the petitioners contends that since the application for summoning of witnesses had earlier been allowed and the remaining witnesses were not summoned by the Court, the evidence of the petitioner ought not to have been closed by order of the learned trial Court.

4. Considering the limited nature of relief sought, issuance of notice to the respondents is dispensed with, as the same would only result in further delay in the proceedings.



5. I have heard learned counsel for the petitioner and have perused the paper book with his able assistance.

6. On hearing the above submissions and as discussed hereinabove, since the application for summoning of witnesses had already been allowed and even the expenses of the witnesses had been deposited by the petitioners, this Court is of the considered view that the learned Civil Judge (Junior Division), Tohana, ought not to have closed the evidence of the petitioner by Court order, especially when the remaining witnesses were yet to be summoned by the said Court. Accordingly, the present revision petition is allowed and the impugned order dated 16.03.2026 (Annexure P-5) is hereby set aside. The petitioners are directed to appear before the learned Civil Judge (Junior Division), Tohana. Thereafter, the learned Civil Judge (Junior Division), Tohana, is directed to summon the said official witnesses by granting short dates and to afford adequate opportunity to the petitioners to conclude his evidence.

7. Pending applications, if any, shall stand disposed of.

May 18, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

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