

2026:PHHC:085613



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

CR No.4678-2026 (O&M)
Date of Decision: 29.05.2026

Balbir Singh ...Petitioner
Versus
Surrinder Singh & Others ...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vijay Sharma, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition is directed against the order dated 20.05.2026 (Annexure P.2) passed by Civil Judge (Junior Division), SAS Nagar (Mohali), whereby the evidence of the defendant was closed and the order dated 22.05.2026 (Annexure P.4) passed by the said Court, dismissing the application for recalling of the order dated 20.05.2026.

2. As per the facts on record, a suit for declaration was filed by the respondents-plaintiffs in representative capacity. The petitioner-defendant filed his written statement. Thereafter, vide order dated 03.01.2025 passed by the trial Court, issues were framed.

3. It is the case of the petitioner that on 20.05.2026, when the case was fixed for defendant's evidence, an application for adjournment was filed for the reason that the petitioner was unable to tender his affidavit as being the head of Shiromani Panth Akali Budha Dal, he had been busy in some religious

function at Amritsar. However, the trial Court closed the evidence of the defendant vide order dated 20.05.2026. The petitioner filed an application for recalling of the said order, but the same was dismissed by the trial Court vide order dated 22.05.2026. Aggrieved by the same, the petitioner has preferred the instant petition.

4. Learned counsel for the petitioner submits that the petitioner wanted to examine himself as a witness, but he could not appear before the trial Court on 20.05.2026. It is submitted that non-appearance of the petitioner before the trial Court on 20.05.2026 was not intentional and rather, the same was due to the reason that the petitioner had been busy in some religious function being held at Amritsar. It is further argued that the said fact was not only mentioned in the application for adjournment moved on 20.05.2026, but also in the subsequent application seeking recall of the order dated 20.05.2026.

4.1 It is further argued that the defendant intends to examine himself as a witness as the remaining witnesses have already been examined. It is, thus, argued that the trial Court ought to have granted one opportunity to the petitioner to conclude his evidence.

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

6. 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.

7. Though the trial Court has observed in the impugned order dated 22.05.2026 that the petitioner had already examined his attorney and, therefore, he could not plead any prejudice

having been caused to him, yet the fact remains that the petitioner-defendant had sought only one opportunity to examine himself as a witness, which was declined by the trial Court. Even if, on an earlier date, a statement was made by the counsel for the defendant that the defendant did not want to examine himself, that could not have been made the basis for non-grant of any opportunity to the petitioner to examine himself as a witness.

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 orders dated 20.05.2026 and 22.05.2026 passed by the Court of Civil Judge (Junior Division), SAS Nagar, are 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.10,000/-, which shall be paid to the respondents-plaintiffs.

(VIKRAM AGGARWAL)
JUDGE

29.05.2026
ds

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