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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-4529-2026****Date of Decision: 27.05.2026****BALBIR SINGH****...Petitioner/Plaintiff****Vs.****KANTI AND OTHERS****...Respondents/Defendants****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking setting aside of the order dated 13.05.2026 (Annexure P-31) passed by the learned Civil Judge (Junior Division), Guhla, whereby the evidence of the petitioner/plaintiff has been closed. The petitioner further prays for grant of one effective opportunity to lead his evidence and to appear in the witness box for being cross-examined by the defendants.

2. Briefly stated, the petitioner/plaintiff instituted the present civil suit for declaration seeking a decree to the effect that the plaintiff along with defendants No.9 to 11 and 33 are owners to the extent of 1/3rd share each in the suit land situated at Village Umedpur, Tehsil Siwan, District Kaithal, forming part of the revenue estate of the aforesaid village. Upon issuance of notice of the suit, defendants No.1 to 4 and defendants No.36 to 37 appeared and filed their written statements dated 05.09.2018 and 04.12.2024 respectively. After completion of pleadings between the parties, the learned

trial Court framed the issues arising out of the pleadings on 18.01.2023. Thereafter, the matter proceeded for evidence before the learned trial Court and various zimni orders were passed from time to time during the course of trial. It is further submitted that on 10.05.2026 and 11.05.2026, the petitioner fell seriously ill and remained under medical treatment, and medical record and prescriptions dated 11.05.2026, are annexed with the present petition as Annexure P-30. Due to the said medical condition, the petitioner could not properly attend the proceedings and present himself for recording of evidence. However, without appreciating the aforesaid factual position and the sufficient cause shown by the petitioner, the learned trial Court, vide impugned order dated 13.05.2026 (Annexure P-31), proceeded to close the evidence of the petitioner, thereby causing grave prejudice and depriving the petitioner of an effective opportunity to lead his evidence and to step into the witness box for being cross-examined by the defendants.

3. Learned counsel for the petitioner submits that the impugned order is vitiated by perversity and factual errors, as it proceeds on an incorrect premise and fails to consider the *bona fide* conduct of the petitioner/plaintiff.

4. I have heard learned counsel for the petitioner and have gone through the file carefully.

5. Considering that there is no illegality or infirmity in the order passed by the learned Civil Judge (Junior Division), Guhla, as case history shows that ample opportunities were granted to the petitioner to conclude evidence even if adjournments granted at the request of other party are discounted, but, in the interest of justice and in order to allow the parties to



contest the petition on its merits, the petitioner is granted one effective opportunity to lead the evidence by presenting himself for being cross-examined by the defendant, subject to payment of costs amounting to Rs. 20,000/-, out of which Rs. 2,000/- shall be deposited in the account of the Sub Divisional Legal Services Authority, Guhla and the remaining amount of Rs.18,000/- shall be paid to the respondent/defendant.

6. In view of the above, the present petition is disposed of. Pending applications, if any, shall also stands disposed of.

(VIRINDER AGGARWAL)
JUDGE

27.05.2026

kv

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>

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