



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
286

CR-5349-2024(O&M)
Date of decision: 30.03.2026

Ranjit Singh & Another

...Petitioner(s)

Vs.

Gurpreet Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ivan Singh Khosa, Advocate
for the petitioners.

Mohd. Yousaf, Advocate
Ms. Arzoo Modi, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present Revision Petition under Article 227 of the Constitution of India has been filed by the defendants No.2 and 4 laying challenge to the order dated 27.08.2024 (Annexure P1) passed by learned Civil Judge (Junior Division), Ludhiana in Case No.CS/ 46289/2013 registered on 16.07.2012 vide which application filed by the petitioners, and defendant No.3 for striking-off/expunging testimonies of plaintiff witness stated to have been given in violation of interim orders of this Court, has been dismissed.

2. It is inter alia submitted by learned counsel for the petitioners that there is no dispute with regard to the fact that vide order dated 13.11.2018



(Annexure P5) passed in Civil Revision No.2579-2017, this Court had unambiguously and categorically directed: “..... to direct the trial Court to adjourn the matter to a date beyond that given by this Court in the accompanying petition, i.e. 1.2.2019.”. Learned counsel submits that the said interim direction had been carried forward from 13.11.2018 till 17.05.2023 by way of consecutive orders dated 01.02.2019 (Annexure P6), 31.5.2022 (Annexure P7), 23.01.2023 (Annexure P8), and 17.5.2023 (Annexure P9). It is submitted that despite the said stay granted by this Court, the learned trial Court had kept the proceedings open and kept examining plaintiff witnesses PW2 to PW8 as is evident from zimni orders dated 01.04.2019, 07.05.2019, 23.05.2019, 02.12.2022, 20.12.2022, 11.01.2023, 30.01.2023, 15.02.2023 (Annexure P13 colly). It is contended that therefore, the evidence of the plaintiff witnesses PW2 to PW8 had been recorded in violation of the stay orders passed by this Court. Thus, the evidence of the said witnesses is liable to be struck off.

3. It is further submitted by learned counsel for the petitioners that the above said stay orders from 13.11.2018 till 17.5.2023 could not be brought to the notice of the learned trial court due to mistake on part of the learned Counsel representing the petitioners before the trial court. Anyhow, the learned trial Court was well aware of the stay order granted by this Court as is evident from the zimni order dated 05.08.2017 (Annexure P18) and zimni order dated 16.03.2020 (Annexure P19) passed by learned Civil Judge (Junior



Division), Ludhiana. Therefore, the evidence of PW2 to PW8 had been recorded by the learned trial Court in complete violation of the directions issued by this Court to the learned Civil Judge to adjourn the case beyond the date fixed by this Court. It is submitted that it is for this reason that the petitioners and defendant No.3 had moved the instant application dated 07.08.2024 (Annexure P23) for striking off/eschewing evidence led by PW2 to PW8. However, vide impugned order, the said application of the petitioners has been dismissed without appreciating that the said evidence was permitted to be led by PW2 to PW8 in violation of the stay granted by this Court. It is accordingly prayed that the present revision petition be allowed, and impugned order be set aside.

4. Per contra learned counsel for the respondent No.1/plaintiff vehemently opposes the submissions advanced on behalf of the petitioners and points out that the CR-2579-2017 in which the orders dated 13.11.2018 to 17.05.2023 (Annexure P5 to P9) had been passed, was dismissed for non-prosecution by this Court vide order dated 12.09.2023 (Annexure P10). Whereas the instant application was moved by the petitioners on 07.08.2024 (Annexure P23), which is after the dismissal of CR-2579-2017. As such, any stay granted by this Court had merged into the final order dated 12.09.2023 (Annexure P10) whereby Civil Revision filed by the petitioners was dismissed. Therefore, application dated 07.08.2024 (Annexure P23) filed by the petitioners was not maintainable.



5. It is further submitted that even otherwise, the petitioners have been proceeded against ex parte thrice before and had sought to lay the blame at the door of their lawyer. However, no action has been taken by the petitioners against the said lawyer. Moreover, plaintiff had filed the Civil Suit as far back as in 2012. Despite passage of 14 years, evidence of the respondent No.1/plaintiff has not yet been closed as dilatory tactics are time and again employed by the petitioners. It is submitted that therefore, the present petition deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of the plaintiff/respondent No.1.

7. Brief facts of the case in chronological order are as under: -

16.07.2012: The plaintiff/respondent no.1 herein, had filed Civil Suit dated 16.07.2012 (Annexure P2) for enforcing the right to share in the Joint Hindu Family Property to the extent that the plaintiff along with defendants No.6 and 7 are entitled to 1/5th share in the ancestral property of late Sh. Sardar Charan Singh; **and** further declaration that Will dated 7.5.1990 and the mutation on the basis of the said Will are illegal and void; **and** for permanent injunction.

27.01.2015: Up to 27.01.2015, the defendants had not filed written statement.

05.02.2015: Consequentially, vide order dated 05.02.2015 (Annexure P3), the defendants No.2 to 4 were proceeded against ex parte.



06.12.2016: The petitioners had then moved an application dated 6.12.2016 for setting aside the ex parte order dated 05.02.2015.

20.01.2017: Vide order dated 20.1.2017 (Annexure P4), the said application of the petitioners was dismissed by the learned Civil Judge (Junior Division), Ludhiana and they were only allowed to join the proceedings at that stage without allowing them to file their Written Statements, with the following observations: -

"4. The present application is filed only to delay the suit and stands hereby dismissed. Accordingly, defendants has no right to relegate back to the position where he was proceeded against exparte at the stage of filing of written statement.

5. However, there is no bar under law for defendants no.2 to 4 to join the trial at this stage. Defendants no.2 to 4 has right to join the proceedings, which they have already joined."

06.04.2017: The above-mentioned order dated 20.01.2017 (P-4), whereby petitioners had been proceeded against ex parte, was challenged by the petitioners before this Court by way of Civil Revision No.2579-2017.

07.04.2017: Notice was issued in the aforementioned CR-2579-2017.

21.08.2018: It is to be noted that in the meantime, evidence of the plaintiff had been closed by the learned trial Court, vide order dated 21.08.2018.

13.11.2018: In CR-2579-2017, vide order dated 13.11.2018 (Annexure P5), the learned trial Court was directed to adjourn the matter to a date beyond that given by this Court. It is however to be noted that while granting the said stay, the predecessor Bench had also duly directed that: -



“However, it is made clear that no request for an adjournment shall be entertained, if it is sought by counsel for the petitioner on that date, i.e. 01.02.2019, and any such request made would entail automatic vacation of the order passed today.”

24.01.2019: The plaintiff had moved an application for recalling of above-mentioned order dated 21.08.2018, which came to be recalled by the learned Civil Judge, vide order dated 24.01.2019 (Annexure P14).

01.02.2019: File reveals that in CR-2579-2017, none had appeared for the respondent No.1 on 01.02.2019 (Annexure P6). As such, the matter was adjourned to 08.07.2019.

29.10.2019: It is imperative to note that in the meantime, during the purported subsistence of the stay granted by this Court with order dated 13.11.2018, the petitioners and defendant No.3 themselves, had moved an application before the learned trial court for closing the plaintiff evidence; which came to be allowed vide order dated 29.10.2019 (Annexure P15).

10.02.2020: The said order dated 29.10.2019 was challenged by the plaintiff before this Court by way of CR-945-2020 titled as “Gurpreet Singh Vs. Gurmail Kaur (deceased) through her LR's and Others” (Annexure P16). The said CR was disposed of by this Court vide order dated 10.02.2020 (Annexure P17) in the following terms:-

“Hence, this Court is of the view that it would not be unjustified if the petitioner is granted further opportunities to complete his



entire evidence, however, by putting him to an appropriate financial burden.

In view of the above, the present petition is disposed of by modifying the impugned order with a direction that the petitioner be granted two effective opportunities to complete his evidence in which he wants to produce the Patwari, Kanungo and himself as witnesses, however, subject to payment of Rs. 15000/- as cost. The cost is ordered to be deposited with the Institute for the Blinds, Sector-26, Chandigarh.

It is further clarified that the trial Court shall not entertain any evidence on behalf of the plaintiff/petitioner, unless the petitioner produces before that Court, the receipt of having deposited the cost as ordered above.”

16.03.2020: Thereafter, the plaintiff had moved an application dated 16.03.2020 before the learned Civil Judge, averring therein that during the course of filing of CR-945-2020, the plaintiff had discovered about the pendency of the CR-2549-2017; and after tracking proceedings of the said CR online, the interim orders dated 13.11.2018 to 17.05.2023 (Annexure P5 to P9) were discovered. On receipt of the said application of the plaintiff, the learned Civil Judge had passed the following order dated 16.03.2020 (Annexure P19), which reads as follows: –

“Learned counsel for plaintiff has filed an application for placing on record the copies of the orders passed by Hon'ble High Court in civil revision bearing No.2579 of 2017 passed in a revision filed by defendant Ranjit Singh along-with copies of orders dated



06.10.2017, 19.01.2018, 13.11.2018 & 01.02.2019. Learned counsel for defendants No.2 to 4 has also suffered statement that defendants No.2 to 4 have filed revision before Hon'ble High Court against the order dated 20.01.2017 dismissing their application for setting aside ex-parte proceedings, however, no stay order has been passed by Hon'ble High Court in the revision petition and the same is still pending.

Order dated 10.02.2020 passed by Hon'ble High Court in CR No.945 of 2020 (O&M) has also been received, vide which, petitioner/plaintiff Gurpreet Singh has been granted two effective opportunities to complete his evidence subject to payment of Rs. 15,000/- as cost and same be deposited with the Institute for the Blinds, Sector-26, Chandigarh within two weeks of that order.

Learned counsel for plaintiff has placed on record receipt regarding deposit of cost of Rs. 15000/-. No PW is present. Learned counsel for plaintiff requested for an adjournment. On his request, case stands adjourned to 23.03.2020 for evidence of plaintiff."

Thus, from the above facts is established on record that contrary to the statements made by the petitioners before this Court, in actual fact, the interim orders dated 13.11.2018 up till 17.5.2023 were not brought to the notice of the learned trial court by the petitioners at any stage. Contention of the petitioners that the learned trial court was aware of the said orders by way of Zimni orders dated 05.08.2017 (Annexure P18) and zimni order dated 16.03.2020 (Annexure P19), is ill founded as the order dated 5.8.2017 was passed prior to the order dated 13.11.2018, whereby interim direction was



granted. Further, in fact, on the contrary, in the order dated 16.3.2020 (P-19), the learned trial court has recorded that the: *"Learned counsel for the defendants no.2 to 4 has also suffered statement that defendants no.2 to 4 have filed revision before the Hon'ble High Court against the order dated 20.1.2017 dismissing their application for setting aside ex parte proceedings, however, no stay order has been passed by the Hon'ble High Court in the revision petition, and the same is still pending."* Thus, petitioners/defendants no.2 to 4 have made the statement, totally contrary to their present stand. The defendants cannot be permitted to blow hot and cold in the same breath. It also stands established that the said interim orders dated 13.11.2018 till 17.5.2023 were deliberately withheld by the defendants no.2 to 4, including the petitioners, from the trial court.

31.05.2022: It is recorded by this Court in order dated 31.05.2022 (Annexure P7), that none had appeared on behalf of the parties in CR-2579-2017.

03.11.2022: In the meantime, the learned Civil Judge (Junior Division) Ludhiana dismissed the above said application dated 16.3.2020 filed by the plaintiff, vide order dated 03.11.2022 (Annexure P20), with the following observations: -

"2. It is further submitted that during the course of filing of revision by the applicant, he came to know the pendency of the revision petition being No.2579 of 2017 and then he tracked the proceedings of this revision online and consequently come to know that virtually the Hon'ble High Court directed this Court to



adjourn the matter at two occasions, which interim order is still subsisting, but defendant dishonestly did not reveal those orders before this Court and did not place those orders before this Court and rather in violation of the orders of the Hon'ble High Court, defendant sought the closure of the evidence of applicant, which he eventually succeeded by withholding the proceedings of the Hon'ble High Court and the orders passed thereof. Lastly, prayer is made for placing on record the copies of the order passed by the Hon'ble High Court in civil revision bearing No.2579 of 2017 passed in a revision filed by the defendant Ranjit Singh and further to take action against the defendant Ranjit Singh for withholding the orders passed by the Hon'ble High Court and for not bringing the same in the notice of this Court, in the interest of justice."

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5. Thus, on these grounds, the applicant is seeking that since the defendant dishonestly did not reveal those orders before this Court and did not place on record the copy of the said orders therefore, action should be taken against defendant and further he should also be directed to place on record the copies of the said orders. Perusal of the case file reveals that vide revision petition No.2579 of 2017, the proceedings of the trial Court was adjourned at two occasions and interim order was passed so as to adjourn the hearing of the trial Court to the date fixed beyond that fixed in the Hon'ble High Court. This Court is of the view that it was upon the parties to bring on record the copies of the said order before the trial Court. However, on failure to produce the copies of the said order on record, the trial Court proceeded with the trial of the present suit, and at this stage, this Court cannot pass any order with regard to the proceedings that have already been recorded



by the Ld. Predecessor Court. Moreover, the Court of undersigned has already directed the parties to produce on record the said orders. Consequently, both of the parties have placed on record the copies of the said interim order. Vide order dated 31.05.2022, the Hon'ble High Court has further adjourned the matter till 25.08.2022 and the interim order has also been continued vide which, the trial Court has been directed to adjourn the proceedings beyond the date fixed in the Hon'ble High Court. Therefore, in view of the same, application is dismissed and now to come up on 02.12.2022 for further proceedings."

11.1.2023: It is imperative to note that the petitioners again did not appear before the trial court and were accordingly proceeded against ex parte vide order dated 11.1.2023 (Annexure P13 colly - at page 76 of the paper book).

23.01.2023: In the CR-2579-2017, in order dated 23.01.2023 (Annexure P8), the predecessor Bench has recorded that: -

"A request for an adjournment has been made on behalf of learned counsel for the petitioner on the ground that he is unwell. In the interest of justice, adjourned to 17.05.2023. Interim order to continue."

17.05.2023: Thereafter, vide order dated 17.05.2023 (Annexure P9), passed in CR-2579-2017, the predecessor Bench had taken note of the aforesaid facts as follows: -

"Thereafter on 01.02.2019 the case was adjourned to 08.07.2019.



Subsequently, the case was adjourned by order. On 31.05.2022 none had appeared on behalf of the parties and the case was adjourned to 25.08.2022. On 25.08.2022 the case was adjourned by order to 23.01.2023. On 23.01.2023 the case was adjourned on the request made on behalf of counsel for the petitioner on the ground that he is unwell. Today again a request for an adjournment has been made on behalf of arguing counsel for the petitioner on the ground that counsel had to leave the Court due to an emergency in his family on being asked about the nature of emergency it has been stated that the counsel has gone for a function. Though no ground is made out to further adjourn the matter, however, in the interest of justice, adjourned to 12.09.2023 subject to payment of Rs.5,000/- as costs to be deposited with the High Court Lawyers Welfare Fund.

Interim order to continue.”

At the risk of repetition, in this regard, it is to be noted that vide order dated 13.11.2018, while directing the trial court to adjourn the case beyond the date fixed by this Court, the predecessor Bench had also categorically directed that:

“However, it is made clear that no request for an adjournment shall be entertained, if it is sought by counsel for the petitioner on that date, i.e. 01.02.2019, and any such request made would entail automatic vacation of the order passed today.”

Thus, as matter had been adjourned twice at instance of the petitioner, the said order dated 13.11.2018 was liable to be taken as automatically vacated.

12.09.2023: Subsequently, as petitioner failed to pursue the said CR-2579-2017, the same came to be dismissed for non-prosecution by this Court, vide order dated 12.09.2023 (Annexure P10), with the following observations: -



“3. As per the office report, learned counsel for the petitioner has not deposited the costs of Rs.5,000/- imposed vide order dated 17.05.2023.

4. No one is present on behalf of the petitioner, consequently, the instant revision petition is dismissed for non-prosecution.”

26.9.2023: Vide order dated 26.9.2023, the learned Civil Judge recalled the aforementioned order dated 11.1.2023 (P-13), whereby petitioners had been proceeded against ex parte for the second time.

05.07.2024: It has been contended on behalf of the petitioners that it was when Petitioner changed his Counsel and engaged a reputed senior counsel as is reflected in Daily Order dated 05.07.2024, the said irregularity was observed.

07.08.2024: It is only thereafter that the petitioners moved the instant application dated 07.08.2024 (Annexure P23) for eschewing the evidence led by PW2 to PW8.

27.08.2024: Vide impugned order dated 27.08.2024 (Annexure P1), the said application of the petitioners has been dismissed.

05.09.2024: Present Civil Revision Petition is filed by the petitioners.

8. First and foremost, the above said facts are self-speaking in respect of the conduct of the petitioners/defendants no.2 and 4.

9. Nonetheless, it has been contended on behalf of the petitioners that as the evidence of PW2 to PW8 has been recorded by the learned Civil Judge during the subsistence of the stay granted by this Court vide orders



dated 13.11.2018 to 17.05.2023 (Annexure P5 to P9); therefore, the said evidence cannot be taken into consideration while deciding the Civil Suit. However, the said contention of the petitioners is without merit in view of the undisputed facts noted above that CR-2579-2017 was dismissed for non-prosecution by this Court vide order dated 12.09.2023 (Annexure P10). Thus, the said stay orders had merged with the final order dated 12.9.2023, whereby the CR-2579-2017 was dismissed. Thus, on the date of filing of present application dated 7.8.2024, for eschewing the evidence of PW2 to PW8, no stay order was in operation. The Hon'ble Supreme Court in **State of UP v. Prem Chopra (SC) : Law Finder Doc ID # 1971665; decided on 25.03.2022**, has held that *"once proceedings, where stay was granted, are dismissed, any interim order granted earlier merges with final order."* It is further held in Para 24 that:-

"24. From the above discussion, it is clear that imposition of a stay on the operation of an order means that the order which has been stayed would not be operative from the date of passing of the stay order. However, it does not mean that the stayed order is wiped out from the existence, unless it is quashed. Once the proceedings, wherein a stay was granted, are dismissed, any interim order granted earlier merges with the final order. In other words, the interim order comes to an end with the dismissal of the proceedings. In such a situation, it is the duty of the Court to put the parties in the same position they would have been but for the interim order of the court, unless the order granting interim stay or final order dismissing the proceedings specifies otherwise. On the dismissal of the proceedings or vacation of the interim order,



the beneficiary of the interim order shall have to pay interest on the amount withheld or not paid by virtue of the interim order.”

10. The aforesaid position has been reiterated by Hon’ble Supreme Court again in **Leelawati (Dead) v. State of UP (SC) : Law Finder Doc ID # 2707342, decided on 04.02.2025**, wherein it is held that:-

“Abuse of judicial process by repeatedly filing writ petitions after dismissal of original petition results in imposition of exemplary costs.

A. Rent Control Act - Eviction proceedings - Abuse of process of law - Filing writ petitions repeatedly despite dismissal of original writ petition - Attempt to obtain orders based on interim relief from a dismissed writ petition - Held, such actions lack bona fides and amount to misuse of judicial process - Exemplary cost of Rs. 50,000/- imposed on appellant for igniting vexatious litigation.

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3. On perusal of the order it reveals, the suit seeking eviction on the ground of bona fide need was filed by appellant which was decreed by the prescribed authority under the Rent Act. On filing the rent appeal by tenant, it was allowed for the reason that in a suit based on bona fide need, ownership has not been proved by the landlord. Assailing the said order, Civil Miscellaneous Writ Petition (Civil) No. 42095 of 2001 was filed by the landlord. The High Court while entertaining the writ petition passed an interim order on 22.09.2006. The said order is relevant therefore, reproduced as thus:

"Having pragmatic approach, considering the facts and circumstance of the case and location/area etc. of the



accommodation in dispute, it would be appropriate that the rent of the disputed accommodation now be increased to Rs. 2000/- per month from September, 2006. It is accordingly directed that the tenant shall pay a sum of Rs. 2000/- per month towards rent to the landlady. The rent of September 2006 shall be paid by 7th of October, 2006 and thereafter by 7th day of each succeeding month till further orders. In case of default in payment of the current rent as directed by this Court the landlord can get the disputed accommodation vacated with the help of police within a period of one month by giving notice in writing."

4. Bare perusal of the aforesaid, it is clear that the Court directed to pay Rs. 2000/- per month as enhanced rent from September 2006. It was also observed that in case of default in payment of enhanced current rent, the landlord can get the possession of the suit premises with the help of police after serving notice of one month. The appellant alleges that the enhanced rent had not been paid. It is also a fact that the said writ petition was finally dismissed on 05.12.2012. The order of the dismissal of writ petition is relevant, therefore, reproduced for ready reference as thus:

"5. Learned counsel for petitioner could not show that findings of fact recorded by Appellate Court are perverse or contrary to material on record. In absence of anything to demonstrate perversity in the findings recorded by the Appellate Court, I find no reason to interfere. The scope of judicial review under Article 227 is very limited and narrow as discussed in detail by this Court in Writ A No. 11365 of 1998 (Jalil Ahmad v. 16th Addl. Distt. Judge, Kanpur Nagar and others) decided on 03.7.2012. There is nothing which may justify judicial review of order impugned in this writ petition in the light of exposition of law, as discussed in the above judgment.



6. *In view of above, I do not find any reason to interfere.*

7. *Dismissed.*

8. *Interim order, if any, stands vacated."*

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8. *Having heard learned counsel for the parties and on perusal of the pleadings of Writ Petition No. 64567 of 2013 in particular para 29, the reference of dismissal of Writ Petition No. 42095 of 2001 was made but while hearing the writ petition, the said order of dismissal has not been brought to the notice of the Court. In the said sequel, the Court was of the opinion that even after dismissal of the Writ Petition No. 42095 of 2001 on 05.12.2012, an attempt was made by petitioner to obtain orders of the Court relying upon the interim order dated 22.09.2006 though while dismissing the said writ petition, it was vacated. We are compelled to observe that, on dismissal of the writ petition, interim order if any, passed in the proceedings would merge with the final order. In other words, on dismissal of the writ petition on 05.12.2012, the interim order dated 22.09.2006 had merged in the final order and lost its efficacy. As such, the action of the appellant persuading the Court by filing the writ petition does not seem bona fide. The High Court, in our view, has rightly deprecated the action of the appellant to approach High Court again and again for implementation of the interim order passed in the dismissed writ petition lacks bona fides of petitioner and imposition of cost is fully justified."*

11. From the facts enumerated above, it is clear that the petitioners have indeed sought to misuse the due process of law repeatedly by resorting to various mechanisms in order to delay the trial. It is not disputed that the



Civil Suit was filed by the plaintiff on 16.07.2012; and evidence of the plaintiff is still not concluded due to the delaying tactics employed by the petitioners/defendants no.2 to 4. The trial is pending for the last about 14 years. The conduct of the petitioners is written large on the record of the case. As noted above, petitioners have already been proceeded Ex parte twice before the learned trial court on 5.2.2015 (P-3) and on 11.1.2023 (P-13 colly). From the facts noted above, it is also established that the petitioners had failed to bring the interim orders dated 13.11.2018 till 17.5.2023 to the notice of the learned trial court. Rather, on the contrary, petitioners had deliberately misled the learned trial court as recorded in the order dated 16.3.2020. Therefore, petitioners are not deserving of any concession from this Court.

12. Furthermore, application for setting aside the evidence of PW2 to PW8 was filed by the petitioners as late as on 07.08.2024 (Annexure P23), after the dismissal of the CR-2549-2017. Therefore, in terms of the legal position noted above, the interim orders stood merged with the final order. Therefore, the said application of the petitioners on date of filing was not maintainable.

13. The above sequence of events also reveals that petitioners have sought time and again to blame their advocates for failure to pursue the case diligently. The petitioners it appears are habitual of levelling allegation against their various counsel. Whereas it is the duty of the petitioners to be vigilant, and they cannot repeatedly blame the counsel for inaction on their part. In this



regard, the Hon'ble Supreme Court in **Rajneesh Kumar v. Ved Prakash (SC)** :

Law Finder Doc ID # 2666760; decided on 21.11.2024, has held that: -

“Advocates Mistake – Delay in filing appeal – Condonation of delay – Litigants blaming advocates for delay – Duty of litigants to be vigilant about their rights and judicial proceedings.

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10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

14. Such a practice cannot be permitted.

15. The relevant observations made by learned Civil Judge in impugned order dated 27.08.2024 are as follows: -

“12. The contention of the applicants is that the abovesaid PWs have tendered into evidence their affidavits in gross violation of the order dated 13.11.2018 and subsequent orders passed by the Hon'ble High Court, Chandigarh in CR No. 2579 of 2017. Firstly, there is no provision in CPC regarding eschewing the affidavit



tendered into evidence of the witness by the trial Court. Secondly, it is relevant to mention here that the counsel for the applicants has moved an application for closing the evidence of plaintiff, during the period for which they seeking eschewing the affidavits of PWs ie. On 20.08.2019, which was allowed vide order dated 29.10.2019 and the evidence of plaintiff was closed by order. Applicants themselves, on one hand, are moving an application for closing the evidence of the plaintiff, which was allowed during the same time for which they are seeking eschewing of evidence recorded through affidavits which is against the maxim that 'one must do equity who seeks equity. Thirdly, the applicants are stating that the Hon'ble High Court vide order dated 13.11.2018 passed in Civil Revision No. 2579 of 2017, directed the trial court to adjourn the case beyond the date fixed by the Hon'ble High Court i.e. 01.02.2019 and thereafter, the Hon'ble High Court has repeated its order by stating that interim order to continue. When the abovesaid order was passed by the Hon'ble High Court, Chandigarh in the Civil Revision filed by the applicants, then it was their duty to bring into the notice to Ld. Predecessor regarding stay, which they have failed to do so and in the absence of any order, the Ld. Predecessor has proceeded with the proceedings of present case and during that period, the abovesaid PWs have tendered into evidence their affidavits and at this stage, this Court cannot undone the act which was done by his Predecessor and the only remedy with the applicants was to file revision or appeal before the Appellate Court."

16. I find no infirmity in the same. The petitioners cannot seek to take the benefit of the orders which had ceased to exist on the date that the instant



application was moved by them i.e. on 07.08.2024. In the peculiar facts and circumstances of the present case, no ground is made out to interfere in the impugned order. Present Civil Revision Petition accordingly stands **dismissed**.

17. Pending application(s) if any also stand(s) disposed of.

30.03.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No