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

CR-6601-2023

Date of decision: 23.03.2026

Bahadar Singh

...Petitioner

Versus

Manpreet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vijay Lath, Advocate and
Mr. S.K. Raghuvanshi, Advocate for the petitioner.

Mr. Anil Kumar Garg, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 20.02.2023 (Annexure P-1) passed by the Civil Judge (Senior Division), Rupnagar vide which the evidence of the plaintiff-petitioner has been closed by order.
2. Learned counsel for the petitioner has submitted that the petitioner is plaintiff and he has filed a suit for possession by way of specific performance of agreement to sell and delay in the proceedings would primarily prejudice the rights of the petitioner. It is submitted that two witnesses had already been completely examined and third witness i.e., PW2 Ujagar Singh who was also numbered as PW5 had not been completely examined, inasmuch as, defendant No.2 had cross-examined the said PW5 but counsel for defendant Nos.1 and 3 had not cross-examined him. It is further submitted that a perusal of the zimni orders dated 15.02.2019 as well as 01.03.2019 would show that the said Ujagar Singh was present but could not be cross-examined on the request of learned



counsel for the defendants. It is submitted that said Ujagar Singh is a heart patient and it was on account of the said fact that on certain dates, he could not appear. It is further submitted that by virtue of the impugned order, the evidence of the petitioner-plaintiff has been closed by order and in case the petitioner is not permitted to examine the said PW5, then, irreparable loss would be caused to him. It is further submitted that a Coordinate Bench of this Court vide order dated 08.11.2023 had directed the trial Court to adjourn the case beyond the date fixed before this Court, thus, no further progress has been made in the trial. It is submitted that the petitioner only prays for one effective opportunity to present PW5 and prays that the said PW5 be cross-examined by defendant Nos.1 and 3 so that his evidence can be led in the case, as the said witness is the attesting witness of agreement to sell and is a material witness also.

3. Learned counsel for respondent No.2/defendant No.2 has submitted that the plaintiff has taken several opportunities to lead entire evidence and the case has been pending since 2013. It is further submitted that defendant No.2 has already cross-examined the said PW5 and in case the petitioner is to be granted one further opportunity, then, heavy cost should be imposed on the petitioner for the inconvenience caused to respondent No.2/defendant No.2 and other parties.

4. Learned counsel for the petitioner has submitted that the petitioner is ready to pay reasonable cost for the inconvenience caused to the respondents/defendants.

5. As per report of the Registry, although, respondent No.3 has been served but no one has come present to oppose the present revision petition on his behalf. Respondent No.1 has not been served however, in view of order which this Court proposes to pass, no prejudice would be caused to the rights of



respondent No.1.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the petitioner as well as on behalf of respondent No.2, this Court is of the opinion that one last effective opportunity should be granted to the petitioner to complete his evidence and accordingly, the present revision petition is partly allowed and impugned order is set aside and the petitioner is permitted to produce PW5-Ujagar Singh before the trial Court and defendant Nos.1 and 3 would be granted one effective opportunity by the trial Court to cross-examine the said PW5. Same would be subject to the petitioner depositing cost of Rs.30,000/- within a period of two weeks from today before the trial Court and the said amount deposited would be released by the trial Court to respondent Nos.1 and 2 in equal proportion i.e., Rs.15,000/- each. Respondent No.3 has not been given any cost as respondent No.3 has not appeared in the matter in spite of service.

7. In the present case, respondent No.1 has not been served and by passing the present order, no prejudice has been caused to the rights of respondent No.1 and issuance of further notice to respondent No.1 would further delay the proceedings and would also entail expenses for respondent No.1 to defend the present revision petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case any of the statement made before this Court is found to be false/incorrect.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.03.2026

Pawan

(VIKAS BAHL)
JUDGE

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