



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CR-6389-2024 (O&M)

Date of decision: 17.03.2026

Maninder Singh

...Petitioner(s)

Vs.

Hira Lal (deceased) through his LR's and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ajay K. Yadav, Advocate for
Ms. Neha Rana, Advocate
for the petitioner.

Mr. Dharambir Bhargav, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff against the order dated 23.08.2024 (Annexure P-2) passed by Additional Civil Judge (Senior Division), Rupnagar; whereby evidence of the petitioner has been closed.

2. Learned counsel for the petitioner submits that the learned counsel representing the petitioner before the learned Trial Court had wrongly noted the date on which the case was fixed before the learned Civil Judge. It is submitted that therefore, non-appearance of the petitioner on 23.08.2024 was not intentional. Rather petitioner could not produce the evidence on 23.08.2024 as the petitioner has inadvertently noted the date as 23.09.2024 and when the petitioner



went to the Court on 23.09.2024, he discovered that his evidence was already closed.

3. It is accordingly prayed that present Revision Petition be allowed; and one effective opportunity be granted to lead evidence.

4. No other argument is raised on behalf of the petitioner/plaintiff. I have heard learned counsel for the petitioner and perused the case file in great detail. I find no merit in the submission advanced on behalf of learned counsel for the petitioner.

5. Perusal of the zimni orders (Annexure P-1 colly.) shows that issues were framed in the matter, vide order dated 06.10.2022. Thereafter, case was listed for evidence of the petitioner on 18.11.2022, 18.01.2023, 23.03.2023, 25.04.2023, 06.07.2023, 17.08.2023, 17.10.2023, 29.11.2023, 06.02.2024, 16.04.2024, 17.07.2024 and 23.08.2024. However, on each of the above dates, no plaintiff witness was present from 18.11.2022 till 23.08.2024. Clearly therefore, 12 opportunities have been granted to the petitioner to conclude his evidence. However, to no avail. Consequentially, vide order dated 23.08.2024, learned trial court was left with no other recourse, but to close the evidence of the petitioner by order. In such a situation, no infirmity can be found in the impugned order.

6. In the above noted undisputed facts and circumstances of the case, it would be apposite to refer to landmark judgment of the Hon'ble Supreme Court in **Shiv Cotex v. Tirgun Auto Plast P. Ltd. (SC) : Law Finder Doc Id # 271160**; wherein it is held that if the plaintiff did not



produce evidence despite grant of numerous opportunities, then the suit of the plaintiff be dismissed. The Hon'ble Supreme Court has further held that:-

"A. Civil Procedure Code, Order 17, Rules 1 and 3(a) - Suit for declaration demanding restoration of possession of property of about Rs. 60 lakhs - Plaintiff did not produce evidence despite 3 adjournments - Suit rightly dismissed.....It was misplaced sympathy towards plaintiff-It is plaintiff alone to be blamed.

B. Civil Procedure Code, Order 17, Rule 1 - Grant of adjournment - Absence of lawyer or his non-availability because of professional work in other court or elsewhere or on the ground of strike call or the change of a lawyer or the continuous illness of the lawyer or similar grounds will not justify more than three adjournments to a party during the hearing of the suit.

C. Civil Procedure Code, Order 17, Rule 1 - Grant of adjournments during pendency of suit - Adjournments have grown like cancer corroding the entire body of justice delivery system - It is sad, but true, that the litigants seek and the courts grant adjournments at the drop of hat - Though provisions of Order 17 Rule 1 of C.P.C. are not mandatory, but adjournments beyond three may be granted for justifiable cause - Justifiable cause means a cause which is not only sufficient cause as contemplated under Order 17 Rule 1 of C.P.C., but unavoidable and sort of compelling necessity like sudden illness of the litigant or the witness or the lawyer; death in the family of any one of them; natural calamity like floods, earthquake, etc. in the area where any of these persons reside; an accident involving the litigant or the witness or the lawyer on way to the Court and



such like cause - The list is only illustrative and not exhaustive.....”

(Emphasis added)

7. In the present case, no such calamitous and unavoidable circumstances have been brought to the notice of this Court that would justify non-production of evidence of the petitioner.
8. In view of the above, no ground is made out to interfere in the impugned order dated 23.08.2024 (Annexure P-2) passed by the learned Additional Civil Judge (Senior Division), Rupnagar. The present Civil Revision Petition is hereby **dismissed**.
9. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the matter.
10. Pending application(s), if any, also stand(s) disposed of.

17.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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