



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

(105)

CR-9271-2025 (O&M)

Date of Decision:-25.02.2026

SUSHMA LATA

... Petitioner

Versus

LUDHIANA IMPROVEMENT TRUST AND ANOTHER

....Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. S.S. Panag, Advocate,
for the petitioner.

Mr. K.S. Dadwal, Advocate, with
Mr. Manish Dadwal, Advocate,
for respondent No.1.

Mr. Rakesh Gupta, Advocate,
for respondent No.2.

VIRINDER AGGARWAL, J. (Oral)

1. This Civil Revision Petition has been filed assailing the order dated 02.12.2025, vide which, the evidence of the petitioner was closed by order.

2. Briefly stated, earlier evidence of the petitioner was closed by order by the learned Civil Judge on 14.10.2025 and that order was assailed in Civil Revision No.8020 of 2025. This Court allowed the revision petition vide order dated 10.11.2025, whereby, the learned Civil Judge was directed to grant one effective opportunity to the petitioner to produce PW4-Baljinder Kumar Sharma for cross-examination. The learned Civil Judge issued summons to the witness for 02.12.2025 and on 02.12.2025, in spite of due service, witness did not turn up and trial Court instead of using coercive methods to procure the presence of witness again closed the evidence of the petitioner on the pretext



that this Court has granted only one effective opportunity to the petitioner for offering Baljinder Kumar Sharma for cross-examination.

3. Aggrieved from the said order, the present revision petition has been filed.

4. On receipt of revision petition, the same was entertained. Notice was ordered to be issued. In the meantime, proceedings before trial Court were ordered to be stayed. Explanation of the Presiding Officer was called as to why the order passed by the Court was not read carefully where it was specifically recorded that if witness fails to appear after service, his presence has to be procured by coercive process. Explanation of the officer concerned has been received.

5. I have heard counsel for the parties and gone through the record carefully.

6. The learned Civil Judge concerned has submitted that he required sufficient time to take coercive process for securing the presence of the witness but in view of specific observation of the order of this Court of granting only one effective opportunity to the plaintiff to produce her witness, the evidence was closed. The learned Civil Judge has not taken care of the fact that in para No. 3 of the order dated 10.11.2025, this Court has categorically observed that when a summoned witness is bound down by the Court, it is the duty of the Court to procure the presence of that witness and in case, the witness fails to appear in the Court on the date for which, he is bound down, then the Court is obligated to issue coercive process. However, in the present case, without resorting to any coercive process to procure the presence of PW4-Baljinder Kumar Sharma, learned Civil Judge has denied opportunity to the petitioner



and closed the evidence of the petitioner. The same would certainly harm the cause of the petitioner. Petitioner has deposited the diet money of the witness and summons issued to the witness has been served but the Court failed to procure the presence of witness. It was incumbent upon the learned Civil Judge to procure the presence of witness by issuing coercive process as effective opportunity would be deemed to be opportunity when the presence of witness has been procured and defendant has availed the opportunity to cross-examine the witness and in case, even after presence of witness is procured and defendant is ready to cross-examine the witness, petitioner seeks adjournment or defaulted in examining the witness, then the Court is obligated to close the evidence but in the present case, learned Civil Judge has misinterpreted the order passed by the Court and has failed to exercise the jurisdiction vested in the learned Civil Judge. Learned Civil Judge is advised to be careful in exercising the jurisdiction vested in him and is required to keep the procedure as contained in Code of Civil Procedure in mind while conducting the civil proceedings.

7. Revision petition is disposed of accordingly and impugned order dated 02.12.2025 is hereby set aside. The presence of witness be procured by issuing coercive process and after procuring the presence, an opportunity be offered to the respondent/defendant for cross-examining the witness.

8. Pending miscellaneous application(s), if any, are also disposed of.

25th February, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No