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

**CR-9593-2025 (O&M)
Date of decision : 12.03.2026**

Sushil Kumar @ Sushil Kumar Kansal and another ...Petitioners

Versus

Tirath Singh and others ...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Aakash Singla, Advocate,
for the petitioners.

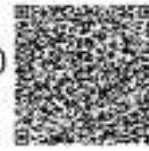
Mr. S.S. Swaich, Advocate,
Mr. Pritpal Singh Swaich, Advocate,
Ms. Navjot Kaur, Advocate,
Mr. Jaswinder Singh Waraich, Advocate,
for respondent No.1.

Mr. Tarun Jindal, Advocate,
for Mr. Harsh Aggarwal, Advocate,
for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

1. The petitioner-defendants are aggrieved by the order dated 03.12.2025 (Annexure P-6) passed by Additional Civil Judge (Senior Division), Patiala, whereby the defendant-evidence has been closed by order of the Court.

2. As per the brief facts, Smt. Kailash Wati was allotted the plot in question through allotment letter, and she is alleged to have executed an Agreement to Sell dated 23.10.1989 in favour of respondent No.1-Tirath Singh. Smt. Kailash Wati is also alleged to have executed a registered General Power of Attorney dated 23.10.1989, in favour of the wife of the respondent-plaintiff. The Sale



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Deed could not be executed and ultimately, the respondent-plaintiff Tirath Singh filed a suit for possession by way of specific performance of the said Agreement to Sell.

2.2 It is the case of the petitioners that the petitioners and proforma respondent Nos.3 to 6 are the children of the owner of the plot, Smt. Kailash Wati and the property had devolved upon them, on the basis of a Will dated 07.03.1994, executed by Smt. Kailash Wati.

3. Learned counsel for the petitioners contends that the plaintiff-respondent No.1 had filed a suit for possession by way of specific performance of agreement to sell after 27 years of the execution of the alleged agreement executed by Smt. Kailash Wati (Annexure P-2). It is contended that the petitioners are contesting the Civil Suit and they have filed written statement. It is further contended that the respondent-plaintiff had taken 6.5 years to conclude the evidence after framing of the issues, however, the evidence of the petitioners-defendant was closed by order of the Court.

3.1 Counsel for the petitioners further submits that the petitioners undertake to conclude their evidence if they are allowed only two effective hearings, failing which, they will suffer prejudice since the earlier suit filed by them already stands allowed in their favour.

4. *Per contra*, learned counsel for the respondents contends that substantial opportunities have already been availed by the petitioners, as such, the impugned order is well justified.

5. I have heard learned counsel for the parties and perused the paper-book.



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6. It is in the interest of justice that a *lis* should be decided on merits, which may resolve the controversy for all times to come. It is always beneficial to the Court to have the relevant evidence before deciding the *lis*. However, for the delay caused by a party, the party opposite can be compensated in terms of costs.

7. Keeping in view the nature of controversy *inter se* the parties and to meet the ends of justice, it is desirable that the petitioners are granted an opportunity to conclude their evidence.

8. Consequently, present petition is allowed; impugned order dated 03.12.2025 is set aside; and two opportunities are granted to the petitioners to conclude their evidence at their own responsibility, within a period of 15 days from the date of receipt of a certified copy of this order. However, this order is subject to payment of costs of Rs.50,000/- to be paid by the petitioners, to the plaintiff-respondent No.1. In case, the aforesaid costs are not paid by the petitioners, the present order shall stand automatically vacated without any further reference to this Court.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

12.03.2026

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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No