



CR-6777-2025 (O&M)

-1-

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

-.-

**CR-6777-2025 (O&M)
Decided on :- 23.09.2025**

K.I.Glassware Pvt. Ltd. and Others

...Petitioners

VERSUS

Baljeet and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Harshit Kataria, Advocate for the petitioners.

-.-

MANDEEP PANNU J.

1. This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.08.2025 passed by the learned Civil Judge (Junior Division), Rohtak, whereby the evidence of the petitioners/defendants/counter-claimants was closed by Court, except for granting an opportunity to examine DW Ramesh, subject to payment of costs.

Brief Facts

2. The brief facts giving rise to the present revision are that the respondents/plaintiffs filed a civil suit for partition of the properties described in the plaint. The petitioners/defendants appeared and filed their written statement along with a counter-claim on 29.07.2019. The plaintiffs filed their replication only on 14.03.2022 after availing 13 adjournments spread over two years and eight months. Thereafter, issues were framed and the case was fixed for the evidence of plaintiffs. The plaintiffs availed 14 effective opportunities over a span of nearly three years and examined only two witnesses, whereafter their evidence was closed by Court order.



3. The matter was then fixed for the evidence of the defendants on 27.05.2025. On that date, no DW was present and the case was adjourned to 10.07.2025. Again, no witness was present and the matter was adjourned to 16.07.2025 with the observation that it shall be the last opportunity. On 16.07.2025, once again no witness was examined and the matter was adjourned to 07.08.2025 subject to costs of ₹500. On 07.08.2025, counsel for the defendants prayed for an adjournment on the ground that defendant No.3 Ramesh had undergone surgery and was not in a position to attend Court. The prayer was opposed by the plaintiffs. The learned trial Court, while accepting the plea partially, granted one opportunity only to examine DW Ramesh subject to the payment of earlier costs, and closed the evidence of defendants No.1, 3, 6 to 8 and counter-claimants, while specifically noting that defendants No.4, 5 and 9 had neither paid the costs imposed earlier nor produced any evidence despite the last opportunity, and therefore their evidence stood closed. The case was adjourned to 04.09.2025. On the said date, the examination-in-chief of DW Ramesh was recorded, but his cross-examination was deferred to 18.09.2025.

4. Aggrieved by the order dated 07.08.2025 closing the evidence of the remaining defendants, the present revision petition has been filed.

Submissions of learned counsel for the parties

5. Learned counsel for the petitioners argues that the impugned order has resulted in manifest injustice, as the petitioners were not granted sufficient and effective opportunities to lead their evidence. It is submitted that while the plaintiffs were allowed as many as 14 opportunities to lead their evidence and also delayed filing replication for nearly three years, the petitioners were denied fair and effective opportunity, particularly when one of the principal witnesses,



defendant No.3 Ramesh, had undergone surgery. It is further argued that the evidence of the defendants is relevant for adjudication of the issues arising in the counter-claim and denial of opportunity would prejudice the defence irreparably.

Findings of this Court

6. I have considered the contentions of learned counsel for the petitioners and carefully perused the record, including the photocopies of the orders placed before me.

7. It is undisputed that the plaintiffs availed 14 opportunities over a period of nearly three years to complete their evidence, and the replication was filed only after 13 adjournments. In contrast, the defendants were granted adjournments of short intervals i.e. 27.05.2025, 10.07.2025, 16.07.2025 and 07.08.2025 and their evidence was ordered to be closed within this brief span of time. Though it is correct that repeated adjournments without producing witnesses cannot be countenanced, yet the principle of parity and fairness requires that both sides be treated even-handedly.

8. It is also material that the petitioners have filed a counter-claim, and their evidence, therefore, is relevant not merely for the defence of the suit but also for the adjudication of their own claim. Effective adjudication of disputes requires that parties be permitted to place their evidence on record, and closing the evidence of several defendants in one stroke, when their main witness was incapacitated on account of surgery, would result in serious prejudice. The trial of a civil suit must be aimed at doing complete justice and adjudicating the rights of parties on the basis of all relevant material.

**Conclusion**

9. Consequently, the impugned order dated 07.08.2025 passed by the learned Civil Judge (Junior Division), Rohtak, is set aside to the extent it closed the evidence of the petitioners/defendants/counter-claimants (except DW Ramesh). The petitioners shall be afforded two effective opportunities to lead their entire evidence, including cross-examination of DW Ramesh and examination of any other witnesses, on dates to be fixed by the learned trial Court.

10. This shall, however, be subject to the condition that the petitioners/defendants deposit costs of ₹5,000/- (Rupees Five Thousand only) payable to the respondents/plaintiffs before the trial Court on the next date of hearing. It is made clear that no further adjournment shall be granted beyond the two effective opportunities directed herein.

11. With these directions, the present civil revision petition is allowed.

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

September 23, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No