



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

113

**Civil Revision No.4114 of 2025 (O & M)**

**Date of decision :-11.07.2025**

**Naresh Kumar**

**.....Petitioner**

**Versus**

**Kulbir Singh and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sumit Sangwan, Advocate  
for the petitioner.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition is for setting aside the impugned order dated 17.4.2023 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), Charkhi Dadri, in Civil Suit No.335 of 2018, titled as 'Naresh Kumar vs. Kulbir etc.', vide which evidence of the petitioner has been closed by Court order.

On 17.4.2023, the following impugned order was passed by the learned Additional Civil Judge (Sr. Divn.), Charkhi Dadri :-

*“No evidence of plaintiff is present despite last opportunity. Previous cost of Rs.500/- also not paid by plaintiff. The plaintiff has already availed several effective opportunities but has failed to conclude his entire evidence, thus evidence of the plaintiff is closed by Court order.*

*The matter stands adjourned to 15.05.2023, for evidence of defendant.”*



Learned counsel for the petitioner/plaintiff submits that the petitioner is 95% permanent physically disabled as is evident from the Disability Certificate (Annexure P-6). It is candidly admitted that the petitioner was granted five opportunities to lead his evidence, however, due to his disablement, he could not conclude his entire evidence. Thereafter the impugned order dated 17.4.2023 (Annexure P-1) has been passed by the learned trial Court.

Learned counsel submits that the petitioner would suffer irreparable loss if the impugned order dated 17.4.2023 (Annexure P-1) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner herein to conclude his entire evidence, as grave injustice will be caused to him if he is not permitted to do so. It is submitted that the next date of hearing fixed before the learned trial Court is 14.7.2025 for defendants' evidence.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner, this petition is allowed and impugned order dated 17.4.2023 (Annexure P-1) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to conclude his evidence, however subject to payment of Rs.50,000/- as costs to the respondents therein by the next date of hearing fixed before the learned trial Court, failing which, the present



petition shall stand automatically dismissed without reference to this Court.

Disposed of as above.

Pending application(s), if any, stands disposed of.

July 11, 2025

Vijay Asija

**( NIDHI GUPTA )  
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No