



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

CR-3483-2025

Date of decision : 01.07.2025

HARDEV SINGH

....Petitioner

Versus

GURCHARAN SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Brijeshwar S. Bhalla, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present petition is directed against order dated 14.05.2025 passed by Additional Civil Judge (Senior Division), Nihal Singh Wala whereby the evidence of the petitioner/plaintiff has been ordered to be closed by order, observing as under:

“Case was fixed for evidence of plaintiff, subject to last opportunity. PW-1 Gurcharan Singh present in the court and has been cross examined in the court today and ld. Counsel for the plaintiff has requested for an other opportunity for examining the remaining evidence on behalf of the plaintiff in the given case which has been strongly opposed by ld. Counsel for defendant No.1/counter claimant.

Perusal of the file shows that in the present case after framing of issues, number of opportunities have already been availed by plaintiff to conclude his evidence but to no avail. Even several last opportunities have been granted to the plaintiff to conclude his evidence and even cost of Rs.1000/- was ordered to be deposited in the legal aid by him on 08.01.2025, on account of lapse on his part to bring the evidence in the court on numerous occasions. Even though adjournment has been requested by ld.

Counsel for the plaintiff to lead evidence, however, perusal of the file shows that no list of witnesses as required under CPC has been filed by him at the time of filing of the plaint or even thereafter, that too, till date. Perusal of the file further shows that the present case falls under the category of Action Plan Cases. As such, I do not deem it fit to adjourn the case further the evidence of the plaintiff. As such, evidence of the plaintiff is closed by order.

Now case is adjourned to 28.05.2025, for evidence of defendant. PF/DM & list of witnesses if any be filed within seven days.”

2. Perusal of the order reveals that the plaintiff has remained callous and was negligent in pursuing the course.

3. Even though there is no cogent reason to interfere in the impugned order however, in the interest of justice and on the undertaking given by Mr. Bhalla that the plaintiff shall conclude his entire evidence on grant of one opportunity, the impugned order is modified to the extent that the same shall come in operation in case, the plaintiff fails to lead entire evidence on the date fixed by the Trial Court. After the petitioner appears and produces the present order on the date already fixed in the suit which is stated to be tomorrow i.e. 02.07.2025, one opportunity will be granted to the plaintiff to lead entire evidence on his own responsibility subject to payment of Rs.10,000/- as costs to be paid to the defendant.

4. The instant revision petition is accordingly disposed off.

July 01, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No