



CR-5327-2025 (O&M)

-1-

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

-.-

**CR-5327-2025 (O&M)
Decided on 13.08.2025**

Harjit Singh Deol

....Petitioner

VERSUS

Kaur Singh Grewal and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Namit Gautam, Advocate for the petitioner.

-.-

MANDEEP PANNU J.

1. The present civil revision petition has been filed for setting aside the impugned order dated 15.07.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, in Civil Suit titled "*Kaur Singh Grewal v. Gurdeep Kaur and Others*", whereby the application filed by the petitioner/defendant No. 2 (hereinafter referred to as the 'petitioner') for recalling the order dated 25.04.2024 regarding closure of his evidence was dismissed. The petitioner has also sought setting aside of the order dated 25.04.2024 by which his evidence was closed by the trial Court.

FACTUAL BACKGROUND

2. The respondent No. 1/plaintiff (herein after referred to as 'respondent No.1') filed a suit for possession of land by way of specific performance of an agreement to sell dated 25.02.2005 and also sought a declaration that the sale deed dated 12.05.2005 executed by defendant No. 1 through his attorney (defendant No. 5) in favour of defendant No. 2 (petitioner herein) is not binding on his alleged ¼ share in the suit land.



3. Defendant No. 1, in his written statement, denied execution of the agreement to sell. Defendants No. 3 to 5, alleged co-purchasers with the plaintiff, also filed a written statement asserting that the agreement to sell was forged and fabricated. The petitioner/defendant No. 2, in his written statement, pleaded that he is a bona fide purchaser for consideration, having purchased the property after due verification of title.

4. After completion of pleadings, issues were framed and the matter was fixed for evidence. The plaintiff's evidence was closed on 13.02.2024, and the case was thereafter fixed for defendants' evidence. Defendant No. 1 commenced his evidence by tendering affidavits of DW-1 and DW-2.

5. The record reveals that the plaintiff took more than fifteen opportunities to cross-examine DW-1 and DW-2. The cross-examination was repeatedly deferred for production of documents or due to adjournments sought by either side. While the case was still pending for cross-examination of DW-1 and DW-2 produced by defendant No. 1, the trial Court, by order dated 25.04.2024, closed the evidence of defendant No. 2 (petitioner herein), except for the cross-examination of the then-present DW. This was done despite the fact that defendant No. 2 had not yet commenced his own evidence.

6. Subsequently, on learning that his evidence had been closed, the petitioner moved an application for recalling the order dated 25.04.2024, explaining that both defendants No. 1 and No. 2 were represented by different counsel and that the petitioner was under the impression that his turn to lead evidence had not yet arrived. The petitioner also moved an application seeking



permission to record his statement via video conferencing, as he is residing in Canada.

7. The trial Court, by the impugned order dated 15.07.2025, dismissed the application for recalling the earlier order, which has led to the filing of the present revision petition.

CONSIDERATION BY THIS COURT

8. This Court has perused the photocopies of the zimni orders placed on record by learned counsel for the petitioner. These clearly reveal that after closure of plaintiff's evidence on 13.02.2024, the case proceeded with examination of DW-1 and DW-2 witnesses of defendant No. 1. Their cross-examination by the plaintiff continued intermittently until February 2025, a span of nearly one year, before it was concluded.

9. Significantly, the petitioner is the alleged bona fide purchaser of the suit property, and his evidence is material for the just adjudication of the controversy in the suit. Yet, while allowing multiple adjournments to the plaintiff to cross-examine DW-1 and DW-2, the trial Court, without affording the petitioner even a single effective opportunity to lead his own evidence, closed the same by its order dated 25.04.2024. This, in the opinion of this Court, amounts to denial of a fair opportunity and has resulted in serious prejudice.

10. It is well settled that procedural laws are handmaid of justice and are meant to advance, not obstruct, the cause of justice. A party should not be denied the opportunity to lead evidence if it is essential for determining the real issues in controversy, unless such denial is mandated by law or occasioned by contumacious conduct.



CR-5327-2025 (O&M)

-4-

11. The trial Court, in the present case, failed to appreciate that the petitioner had not even commenced his evidence and that he was separately represented from defendant No. 1. Given the pivotal nature of his testimony as the alleged bona fide purchaser, closing his evidence in such circumstances was arbitrary and contrary to the settled principles of natural justice.

Conclusion

12. In view of the foregoing discussion, this Court is of the considered opinion that the impugned orders dated 15.07.2025 and 25.04.2024 suffer from patent illegality and have resulted in miscarriage of justice. Accordingly, both orders are set aside. The petitioner/defendant No. 2 is granted two effective opportunities to lead his entire evidence, to ensure expeditious progress of the trial.

13. The trial Court shall proceed in accordance with law, uninfluenced by any observations made herein on the merits of the suit.

14. The revision petition is allowed in the above terms.

15. Pending application(s), if any, also stand disposed off.

August 13, 2025
tripti

(MANDEEP PANNU)
JUDGE

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