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

**CR-1495-2022 (O&M)**

**Date of Decision : 02.04.2025**

Sunil Aggarwal

... Petitioner(s)

Versus

Hari Aggarwal &amp; Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Akash Lather, Advocate for respondent No.1.

**ALKA SARIN, J. (Oral)**

1. The present revision petition has been filed by the defendant No.1-petitioner under Article 227 of the Constitution of India challenging the order 24.11.2021 whereby evidence of the defendant No.1-petitioner was closed and the order dated 12.04.2022 whereby the application for recalling of the order dated 24.11.2021 was dismissed.

2. Learned counsel for the defendant No.1-petitioner, at the outset, states that given two effective opportunities, the defendant No.1-petitioner would conclude his evidence at his own risk and responsibility and further that he is willing to compensate the plaintiff-respondent No.1 by way of costs.

3. *Per contra* the learned counsel for the plaintiff-respondent No.1 states that issues in the present case were framed on 12.04.2016 and the evidence of the plaintiff-respondent No.1 was concluded on 01.10.2019. However, despite availing numerous opportunities, the evidence was not led by the defendant No.1-petitioner and, therefore, no fault can be found with the orders passed by the Trial Court.

4. I have heard the learned counsel for the parties.

5. In the present case the suit is for declaration that the plaintiff-respondent No.1 is joint owner in possession of the suit land as also challenge was laid to the decree whereby the half share of SCF No.93 was transferred by the defendant No.1-petitioner in favour of the defendant No.2 (respondent No.3 herein). No doubt the plaintiff-respondent No.1 concluded his evidence on 01.10.2019 and after that numerous opportunities have been granted to the defendant No.1-petitioner, who has failed to conclude his evidence. However, the Court has to be mindful of the fact that from 2020 to 2021 the Courts were working in a restricted manner due to the situation created because of Pandemic Covid-19. No doubt the defendant No.1-petitioner has been remiss in leading his evidence, however, in order to do complete justice between the parties, this Court deems it appropriate to grant two effective opportunities to the defendant No.1-petitioner to lead his evidence at his own risk and responsibility, subject to payment of ₹30,000/- as costs to be paid to the plaintiff-respondent No.1 which shall be a condition precedent. The Trial Court is further requested not to grant any unnecessary adjournments to either of the parties. Accordingly, the orders dated 24.11.2021 and 12.04.2022 are set aside. The present revision is allowed. Pending applications, if any, also stand disposed off.

6. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case and in case the costs are not paid, the present revision petition shall be deemed to having been dismissed.

02.04.2025  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO