



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

125

CR-5400-2025

Date of Decision: 13.08.2025

Vivek Yadav and Another

...Petitioners

VERSUS

Saurav Bhadana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Munish Behl, Advocate, for the petitioners.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India with a prayer for setting aside of order dated 16.05.2025 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.), Faridabad in Civil Suit No.2725 of 2024 titled as '*Vivek Yadav and Another Vs. Saurav Bhadana*' whereby evidence of petitioners-plaintiffs has been closed and it is also prayed that further proceedings before the learned trial Court may kindly be stayed.

2. The brief facts of the case are that the respondent-defendant approached them for the sale of land measuring 09 Kanals 11.07 Marlas (as mentioned in the plaint), being his share in the property which had devolved upon him and his brother as the only legal heirs of their father. The respondent-defendant executed an agreement to sell in favour of the petitioners-plaintiffs on 21.02.2024 for a total sale consideration of ₹2,29,28,400/- @ ₹1,92,00,000/- per acre. Out of the said amount, the petitioners-plaintiffs paid earnest money of ₹22,92,000/-, along with four cheques, which were agreed to be encashed



before the execution of the sale deed. However, prior to the execution of the sale deed, it came to light that the defendant's mother and sisters were also necessary for clearing the title for execution of the sale deed in favour of the plaintiffs-petitioners. Though possession of the suit property was handed over to the plaintiffs-petitioners, the defendant-respondent failed to clear the title in their favour as agreed under the contract. Consequently, the plaintiffs-petitioners did not honour two out of the four cheques issued towards earnest money. Subsequently, it further came to their knowledge that the respondent-defendant was attempting to sell the property to third parties and was also seeking to dispossess the plaintiffs-petitioners from the suit property. Hence, the present suit has been instituted.

3. During the pendency of the suit, upon service of notice, the defendant-respondent appeared and filed a written statement, wherein he alleged that the plaintiffs-petitioners had failed to clear the payment as stipulated under the agreement to sell, and therefore they were not ready and willing to perform their part of the contract. Issues in the case were framed on 05.11.2024, and the matter was adjourned to 26.11.2024 for the evidence of the petitioners-plaintiffs. However, the petitioners-plaintiffs did not lead any evidence on the subsequent dates of hearing i.e., 26.11.2024, 23.12.2024, 16.01.2025, 31.01.2025, 07.03.2025, 25.03.2025 being last opportunity and on 11.04.2025, 30.04.2025, and 16.05.2025. In these circumstances, the learned trial Court, vide order dated 16.05.2025, closed the evidence of the petitioners-plaintiffs .

4. Learned counsel for the petitioners-plaintiffs submits that the omission on their part in not examining witnesses or leading evidence cannot be construed as deliberate or intentional, inasmuch as compromise talks were



in progress between the parties, and it was only on account of such negotiations that evidence was not led. He further submits that the respondent-defendant had failed to disclose that his mother and sisters also have a share in the suit property, and upon the petitioners-plaintiffs coming to know of the same, the respondent-defendant had assured that he would clear the title in all respects, but failed to do so. Learned counsel, therefore, prays that one last and effective opportunity may be granted to the petitioners-plaintiffs to lead their evidence.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent-defendant.

6. I have heard learned counsel for the petitioners and have gone through the material placed on record.

7. Keeping in view the aforesaid facts and circumstances, the impugned order dated 16.05.2025 is set aside and petitioners-plaintiffs are directed to appear before learned Civil Judge (Jr. Divn.), Faridabad, on the date fixed and learned Civil Judge (Jr. Divn.), Faridabad, is directed to give two effective opportunities to the petitioners-plaintiffs to conclude their entire evidence.

8. The present revision petition stands disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

13.08.2025

anil

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No