



CR-6681-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

118+145

CR-6681-2025 (O&M)

Date of decision :22.09.2025

AMRITSAR DIOCESAN TRUST ASSOCIATION ... PETITIONER

VERSUS

Rt. REV. ERIC SAMUEL NASIR AND ANOTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Brijesh, Advoate  
for the petitioner.

Mr. Sukhandeep Singh, Advocate  
for the respondents.

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**PARMOD GOYAL, J. (ORAL)**

1. Mr. Sukhandeep Singh, Advocate has put in appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. Registry is directed to tag the same at an appropriate place.
2. The petitioner has challenged the order dated 12.09.2025 (Annexure P-5), whereby the evidence of the petitioner-decree holder was closed by the Executing Court, and the matter was adjourned for arguments. It is pertinent to note that the objector-respondent had filed Civil Revision No. 6676 of 2009, which was decided by this Court vide judgment dated 01.04.2025 (Annexure P-2). In the said judgment, the revision petition filed by the objector-respondent was allowed, and the impugned order therein dated 10.10.2009 was set aside. The Court directed that the parties shall appear before the Executing Court on 21.04.2025. The Executing Court was further directed to grant two weeks' time to both parties, and on the adjourned date, to frame issues as per the objections



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filed by the objector under Section 47 CPC and the reply thereto by the decree holder. Executing Court was further directed to grant one opportunity each to both parties to lead their entire evidence. It was further directed that the application shall be decided in accordance with law not beyond 30.08.2025.

3. Pursuant to the orders passed by this Court vide judgment dated 01.04.2025 (Annexure P-2), issues were framed on 13.08.2025. Thereafter, the evidence of the objector was closed on 27.08.2025, and the matter was adjourned to 12.09.2025 for the evidence of the decree holder/petitioner. The dispute arose on the said date, when no evidence was led by the decree holder-petitioner and the evidence was closed by the Court, in view of the directions of this Court dated 01.04.2025 (Annexure P-2).

4. It is the case of the petitioner that on 10.09.2025, the counsel for the decree holder received an urgent message from his daughter, who was studying in Bhopal, regarding her illness. In light of this emergency, the learned counsel had to proceed to Bhopal, after securing tickets on the night of 10.09.2025, and reached Bhopal on 12.09.2025.

5. Reliance has been placed upon the medical prescription slip of the daughter of the learned counsel as well as the affidavit of the learned counsel to this effect. It is the case of the petitioner that the non-examination of witnesses was on account of the sudden emergency suffered by the learned counsel. Therefore, the opportunity on 12.09.2025 was not an effective opportunity, and the petitioner is entitled to be granted one more opportunity to lead his evidence.

6. Learned counsel for the objector-respondent has opposed the request made by the learned counsel for the petitioner on the ground that the orders of this Court vide judgment dated 01.04.2025 clearly stipulated only one opportunity to both parties to lead their entire evidence. The objector-respondent has duly



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concluded his evidence on the first opportunity granted, and therefore, the petitioner is not entitled to any further opportunity.

7. However, considering the facts and circumstances of the present case, particularly the fact that the learned counsel for the petitioner had to leave Amritsar due to a sudden family emergency, it would be appropriate to grant one more opportunity to the petitioner to lead his evidence. To safeguard the interests of the respondent, the Court may consider compensating the respondent by imposing appropriate costs.

8. In the facts and circumstances of the present case, the petitioner shall be permitted to conclude its entire evidence on 29.09.2025, subject to the payment of costs amounting to Rs. 5,000/- to the objector. It is made clear that no further opportunity shall be granted and the Executing Court shall decide the objections by 31.10.2025.

9. Disposed of accordingly.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

22.09.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No