



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(299)

CR No.597 of 2024

Date of Decision: 21.08.2025

**Randhir Sood**

**...Petitioner**

**Versus**

**Rajinder Kaur Cheema**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Anuj Raura, Advocate with  
Ms. Madhu Bala, Advocate  
for the petitioner.

Mr. Rajbir Singh Guron, Advocate  
for the respondent.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 10.01.2023 (Annexure P-1) passed by the Court of Civil Judge (Senior Division), Chandigarh, vide which the application moved by the petitioner/plaintiff seeking permission to summon a case file of Civil Suit No.107 of 2002, decided on 31.05.2003 and to lead evidence in rebuttal was dismissed. Challenge has also been laid to the order dated 28.11.2023 (Annexure P-3) vide which the review petition seeking review of the order dated 10.01.2023 was dismissed.

2. Shorn of unnecessary details, the petitioner/plaintiff instituted a suit (Annexure P-7) for declaration that the petitioner/plaintiff, being owner of house No.59, Sector-16A, Chandigarh to the extent of 39% share was entitled to partition and possession thereof for the said share. Certain consequential reliefs were also prayed for.

3. On completion of pleadings, issues were framed.

Issue No.iii was as under:-

***“iii. Whether the defendant is entitled to purchase 39% share of the plaintiff as prayed by way of counter claim? OPD.”***

4. The petitioner/plaintiff closed his evidence in the affirmative on 06.12.2018 and statement in this regard of learned counsel for the petitioner/plaintiff was recorded. Thereafter, the defendants led their evidence.

5. Subsequently, the application (Annexure P-2), referred to in the opening paragraph was moved.

6. During the course of arguments, a consensus has been arrived at between learned counsel for the parties. It has been agreed that one opportunity be granted to the petitioner/plaintiff to summon the file of Civil Suit No.107 of 2002 and to produce evidence in rebuttal after which, arguments shall be addressed.

7. An apprehension has been expressed by Sh. Rajbir Singh Guron, learned counsel for the respondent that the only endeavour of the petitioner/plaintiff is to delay the decision of the trial.

8. To this, learned counsel for the petitioner submits that there shall be no delay at the end of the petitioner/plaintiff and after availing one effective opportunity for leading evidence in rebuttal, arguments shall be addressed on the date fixed by the trial Court.

That being so, the revision petition is disposed of with a direction to the trial Court to grant one effective opportunity to the petitioner/plaintiff to lead evidence in rebuttal after summoning the file of Civil Suit No.107 of 2002 , on a date to be fixed as per the convenience of

the trial Court. This of course shall be subject to the mode of proof and admissibility of documents. Once the evidence concludes, it is expected that the trial Court would deal with the matter expeditiously and thwart any attempt by either side to delay the matter.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**August 21, 2025**  
Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No