



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

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Civil Revision No.3217 of 2025 (O & M)**Date of decision :-26.05.2025****Jaswant Singh****.....Petitioner****Versus****Dilbagh Singh and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 25.09.2024 (Annexure P-3) passed by the learned Civil Judge (Jr. Divn.), Batala, in Civil Suit No.1072 of 2021, titled as 'Jaswant Singh vs. Dilbagh Singh and others', vide which evidence of the petitioner/plaintiff has been closed by court order on 17.4.2025; as well as the order dated 17.4.2025 (Annexure P-6) passed by the learned Civil Judge (Jr. Divn.), Batala, vide which the application filed by the petitioner/plaintiff under Section 151 CPC (Annexure P-4) has also been dismissed.

On 25.09.2024 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Batala:-

"Today PW-4 Paramjit Singh Registry Clerk has appeared in the court and completely examined.

No other PW is present. The plaintiff has failed to conclude remaining evidence despite availing



sufficient opportunities and despite having been granted last opportunity to conclude evidence on the last date of hearing. Perusal of case file shows that issues in the instant case were framed on 19.07.2023 and since then the case is fixed for evidence of plaintiff. However, the plaintiff has failed to conclude its evidence till date. Hence, this court finds no justification in granting any further adjournment for the same. Accordingly, plaintiff evidence is closed by order.

Now, case stands adjourned to 25.10.2024 for defendant's evidence.”

Learned counsel for the petitioner/plaintiff submits that the petitioner/plaintiff in his evidence as PW1 had tendered his affidavit in his examination-in-chief on 05.12.2023, however, the cross-examination was deferred on request of learned counsel for the respondents/defendants. Thereafter on 20.5.2024 the petitioner/plaintiff was very much present in the Court for his cross-examination but he could not be cross-examined for want of record. Learned counsel submits that thereafter the impugned order dated 25.9.2024 (Annexure P-3) has been passed by the learned trial Court.

Learned counsel submits that the petitioner/plaintiff would suffer irreparable loss if the impugned orders dated 25.9.2024 (Annexure P-3) and 17.4.2025 (Annexure P-6) are not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner/plaintiff herein to conclude his evidence, as grave injustice will be caused to him if he is not permitted to do so.



After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner/plaintiff, this petition is allowed and impugned orders dated 25.9.2024 (Annexure P-3) and 17.4.2025 (Annexure P-6) are set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner/plaintiff to conclude his evidence, however subject to payment of Rs.20,000/- as costs to the respondents therein within two weeks from today, failing which, the present petition shall stand automatically dismissed without reference to this Court.

Disposed of as above.

Pending application(s), if any, stands disposed of.

May 26, 2025

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No