



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

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CR No.1575-2025 (O&M)
Date of Decision: 17.03.2025

Great Green Build India Pvt. Ltd.

...Petitioner

V/s

Charan Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rahi Mehra, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 29.01.2025 passed by the Court of learned Civil Judge (Jr. Divn.), Patti, District Tarn Taran, vide which the evidence of the plaintiff was closed by order.

2. A civil suit for declaration to the effect that the plaintiff was owner of property measuring 1 *Kanal* 11 *Marlas* and 5.5 sq. ft. (fully described in the plaint) situated in the area of Patti was filed on 18.07.2018. On 24.07.2024, an additional issue was framed as an additional defendant was made a party to the suit. On 28.10.2024, an application was filed by the plaintiff for summoning of official witnesses. The summons were issued, however, one of the witness could not appear as summons were not served. Thereafter, on 10.01.2025 fresh summons were issued for the service of official of MC, Patti. On 22.01.2025, one witness was served and PW-3 (Rohan) was cross-examined and the case was adjourned to 29.01.2025 for remaining witnesses. On the said date, the evidence of the plaintiff was closed by order.



3. Learned counsel for the petitioner refers to the interlocutory orders (Annexure P-1, colly) passed by the trial Court to submit that the matter was being taken up and adjourned not at the request of the plaintiff but by the Court itself. Learned counsel further submits that one of the official witnesses could not be served as the summons were not issued by the Court. Learned counsel submits that the delay was unintentional and *bona fide* and the trial Court took a hyper technical view and closed the evidence of the petitioner-plaintiff by order. He submits that one opportunity be granted to the petitioner to lead and conclude his evidence.

4. I have considered the submissions made by learned counsel for the petitioner.

5. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

6. Admittedly, the suit was filed on 18.07.2018. No date of framing of issues, the number of opportunities availed by the petitioner have been given. Be that as it may, on 24.07.2024, an additional defendant was made a party to the suit and an additional issue was framed. On 28.10.2024, an application was filed by the plaintiff for summoning of official witnesses. One of the official witnesses could not be served as summons were not issued to him. Thereafter, on 10.01.2025 fresh summons were issued for the service of official of MC, Patti. On 22.01.2025, one witness was served and PW-3 (Rohan) was cross-examined and the case was adjourned to 29.01.2025 for remaining witnesses. A perusal of the interlocutory orders reveals that the matter was not adjourned on all dates at the request of the petitioner-plaintiff. The petitioner seeks only one effective opportunity to lead and conclude his evidence. The case is at the stage of evidence of the defendant, evidence of



the plaintiff having been closed by way of the impugned order dated 29.01.2025. In the considered opinion of this Court, such opportunity should be granted, for, this Court is of the considered opinion that matters should be decided on merits rather than on technicalities. Under the circumstances, I deem it appropriate to grant one effective opportunity to the petitioner-plaintiff to lead and conclude his evidence.

7. Accordingly, the revision petition is allowed and the impugned order dated 29.01.2025 passed by the Court of learned Civil Judge (Jr. Divn.), Patti, vide which the evidence of the petitioner was closed, are set aside. The trial Court is directed to grant one effective opportunity to the petitioner to lead and conclude his evidence on a date to be fixed by it. This shall however, be subject to payment of costs of Rs.15,000/-, which shall be paid to the respondents-defendants.

(VIKRAM AGGARWAL)
JUDGE

March 17, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No