

**126 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-5781-2025****Date of Decision: August 26, 2025****Seema****...Petitioner****Versus****Monika Goyal and another****...Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Ms. Radhika, Advocate for
Ms. Sonu Kashyap, Advocate for the petitioner.**DEEPAK GUPTA, J.(Oral)**

Petitioner herein is the plaintiff of Civil Suit No.CS-2403-2015, titled as "***Seema v. Monika Goyal and anr.***", pending before learned Civil Judge (Sr. Divn.) Kurukshetra. Petitioner is aggrieved by the order dated 13.08.2025 (AnnexureP-1), whereby the evidence of the petitioner-plaintiff before the trial Court has been closed by the Court order after observing that the case pertains to the year 2015 and plaintiff has availed sufficient opportunities.

2. Learned counsel for the petitioner points out that issues in this case were struck in April, 2021. Later on, the respondents-defendants had filed an amended written statement. Learned counsel further submits that on 13.08.2025 when the case was fixed for evidence of the plaintiff, one of the witness, namely, Rakesh Mehta was examined; whereas PW – Sharwan Kumar, the neighbour of the defendants, who had got the deal struck between the parties and who was attesting witness to the agreement to sell and receipt, had refused to come. Learned counsel submits further that the Court was required to issue bailable warrants against the said witness, so as to procure his presence. Learned counsel submits further that another witness, namely, Sushil Kumar could not appear on 13.08.2025, due to the

medical condition as he was having pain and swelling in his tooth and doctor had advised rest for 5 days w.e.f. 11.08.2025. Learned counsel for the petitioner in this regard has drawn attention towards the medical certificate (Annexure P-12).

3. Having regard to the contention raised by learned counsel for the petitioner and without issuing any notice of this petition to the respondents-defendants, lest it may delay the disposal of the main case, the present petition is hereby disposed of by setting aside the impugned order dated 13.08.2025 (Annexure P-1), whereby the evidence of the petitioner-plaintiff was closed. The trial Court is directed to provide one opportunity to the petitioner-plaintiff to conclude his evidence on the date to be fixed by it and for that date, presence of PW – Sharwan Kumar will be procured by issuing bailable warrants against him on the expenses to be deposited in advance by the petitioner-plaintiff. Opportunity shall also be provided to examine PW – Sushil Kumar, who is to be produced by the petitioner-plaintiff at his own responsibility. This order is subject to payment of ₹5,000/- as costs payable by the petitioner-plaintiff to the respondents-defendants by way of a demand draft on the date to be fixed by the trial Court concerned.

Since this order has been passed without issuing notice to respondents-defendants, in order to avoid the delay, therefore, they will be at liberty to approach this Court, in case, they feel aggrieved by this order.

August 26, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No