



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

128

Civil Revision No.567 of 2025

Date of decision :-04.02.2025

Barinder Mahajan

.....Petitioner

Versus

Santokh Singh and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Daanish Mahajan, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 04.11.2024 (Annexure P-1) passed by the learned Civil Judge (Jr. Divn.), Pathankot, in Civil Suit No.146/2018, titled as 'Barinder Mahajan vs. Santokh Singh, vide which the evidence of the plaintiff/petitioner was closed by Court order.

On 04.11.2024 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Pathankot :-

“Previous cost of Rs.200/- not paid. No evidence is produced by plaintiff. Case file transpires that present case pertains to the year 2018 and since then, various effective opportunities has already been availed by plaintiff to conclude the entire remaining evidence, but plaintiff failed to conclude the same. Learned counsel for the plaintiff again requested for adjournment but there is no reasonable justification to grant further adjournment for this purpose. Therefore, the evidence of plaintiff is closed by order.



Case is adjourned to 12.11.2024, for defendant evidence.”

Learned counsel for the petitioner/plaintiff submits that on 11.10.2024 the case was fixed for recording the evidence of the plaintiff and subsequently, the case was listed for hearing only on one occasion i.e. 22.10.2024. Thereafter the impugned order dated 04.11.2024 (Annexure P-1) has been passed by the learned trial Court.

Learned counsel submits that the petitioner would suffer irreparable loss if the impugned order dated 04.11.2024 (Annexure P-1) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner 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, this petition is allowed and impugned order dated 04.11.2024 (Annexure P-1) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to conclude his evidence, however subject to payment of Rs.20,000/- as costs to the respondent therein.

Disposed of as above.

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

February 04, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No