



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

265

CR-6139-2024

Date of Decision: 25.08.2025

S. Uttam Singh Kohli (since deceased) through his LRs .... Petitioner(s)

Versus

Om Parkash (since deceased) through his LRs and others .... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. GS Bhandal, Advocate for the petitioner(s).

Mr. HK Aurora, Advocate for respondent No. 1(a).

**NIDHI GUPTA, J. (ORAL)**

1. Vakalatnama filed on behalf of respondent No. 1(a) is taken on record.
2. Prayer in this revision petition filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 09.05.2024 (Annexure P-13) passed by the learned trial Court whereby evidence of the plaintiff-petitioner was closed by order; and order dated 03.10.2024 (Annexure P-16), vide which the application filed by the petitioner for recalling of the order dated 09.05.2024, was dismissed by the learned trial Court.
3. At the very outset, learned counsel for the plaintiff-petitioner acknowledges that the present revision petition qua impugned order dated 03.10.2024 (Annexure P-16) dismissing the application of the petitioner for recalling the order dated 09.05.2024 (Annexure P-13) be dismissed being not maintainable.



4. Ordered accordingly.

5. Learned counsel for the petitioner/plaintiff, further submits that only 02 witnesses are remained to be examined by the petitioner. It is submitted that although, the suit was filed by the petitioner in the year 2015; and issues were framed on 21.03.2016, however, evidence of the petitioner had commenced only on 10.04.2023 i.e. after the dismissal of respondent-defendants application under Order VII Rule 11 CPC. It is submitted that the said witnesses, PW-1 and PW-2 could not be examined as, in respect of PW-1 who is the concerned Clerk of the Office of Sub Registrar, he had stated that he is not able to appear on 09.05.2024, as is evident from his statement dated 08.05.2024 (Annexure P-17 at page 142 of the paper-book). As regards, PW-2 Prithvi Paul, Deed Writer, it is submitted that the Process-server had submitted the report stating therein that PW-2 has expired. Learned counsel for the petitioner refers to the affidavit of the petitioner (at page 169 of the paper-book) deposing therein that the petitioner had met PW-2 Prithvi Paul, Deed Writer in person after 08.05.2024 i.e. after the date of summons. It is submitted that the delay in examination of the said witnesses has occurred due to the aforesaid reasons.

6. Learned counsel appearing for respondent No. 1(a) is unable to controvert the aforesaid submissions of learned counsel for the petitioner-plaintiff.

7. In view of the above and without commenting upon merits of the case as well as the averments made in the petition, but in view of principles of natural justice, equity, good conscience and fair play; the



impugned order dated 09.05.2024 (Annexure P-13) is **set aside**. It is directed that the petitioner/petitioner be granted one effective opportunity to examine the aforesaid witnesses at his own responsibility.

8. At this stage, learned counsel for the petitioner seeks permission to effect service upon PW-1 Clerk of the office of Sub Registrar and PW-2 Prithvi Paul, Deed Writer, through *dasti* process for recording their statements before the learned trial Court.

9. Permitted to do so.

10. The instant revision petition stands **disposed of**, accordingly.

11. Pending application(s), if any, shall also stand disposed of.

25.08.2025  
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( NIDHI GUPTA )  
JUDGE

**Whether speaking/reasoned** Yes/No

**Whether Reportable** Yes/No