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

CR-1470-2025

Date of decision: 11.03.2025

Jagchanan Singh (deceased) through his LRs ...Petitioner(s)

Versus

Jarnail Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Gurpal Kaur Dulat, Advocate for the petitioner(s).

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 02.01.2025 (Annexure P-16) passed by the Civil Judge (Senior Division), Barnala, vide which the application dated 17.11.2024 for allowing the petitioners/defendant to summon and examine their witness and to produce the record, had been dismissed. Challenge is also to the order dated 29.10.2024 (Annexure P-9) vide which the evidence of the defendant has been closed by order.

2. Learned counsel for the petitioner(s) has submitted that Jagchanan Singh, who was defendant No.1, had died during the pendency of the suit and presently the suit is being pursued by his widow and minor children. It is submitted that it is for the said reason that the petitioner(s) could not fully pursue the case. It is further submitted that the petitioner(s) would limit their relief in the present revision petition to the extent of grant of one last effective opportunity to conclude the evidence at their own responsibility and has submitted that the matter is now fixed for 13.03.2025 for rebuttal evidence. It is further submitted that for the inconvenience caused to respondent No.1/plaintiff, the petitioner(s) are ready to compensate respondent No.1/plaintiff.



3. Keeping in view the abovesaid facts and circumstances and limited prayer made on behalf of the petitioner(s), the present revision petition is partly allowed and the impugned order dated 29.10.2024 to the extent that the evidence of the petitioner(s) has been closed by order, is set aside and the petitioner(s) is granted one last effective opportunity to lead their entire evidence at their own responsibility and the same would be subject to the petitioner(s) depositing the cost of Rs.20,000/- on or before 13.03.2025, which is stated to be next date of hearing before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the plaintiff/respondent No.1. In case of the said deposit having been made, the trial Court would give one date to the petitioner(s) on 13.03.2025 for leading their entire evidence and on the date so given by the trial Court, the petitioner(s) would complete their entire evidence at their own responsibility. Needless to say that opportunity would be given to respondent No.1/plaintiff to cross-examine the witnesses produced by the petitioner(s).

4. It is made clear that in case the said amount is not deposited within the aforesaid period and the entire evidence is not led by the petitioner(s) on the date so given by the trial Court, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to respondent No.1 as issuance of notice to respondent No.1 would further delay the proceedings and would also entail the expenses for respondent No.1 to defend the present revision petition. However, it would be open to respondent No.1 to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

11.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No