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

**CR-5370-2025 (O&M)
Date of decision : 13.08.2025**

Manjit Singh**.....Petitioner****Versus****Harpreet Singh and others****.....Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Chanakya Batta, Advocate,
for the petitioner.

SUDEEPTI SHARMA, J. (ORAL)

1. The present petition is preferred against the impugned order dated 04.01.2025 passed by learned Civil Judge (Junior Division), Batala, whereby, the evidence of the plaintiff/petitioner was closed by court order and further prayer is for setting aside order dated 02.04.2025 passed by learned Civil Judge (Junior Division), Batala, whereby the application for permission to adduce additional evidence moved on behalf of plaintiff/petitioner was dismissed.

2. Learned counsel for the petitioner contends that learned Civil Judge (Junior Division), Batala, has wrongly closed the evidence of the plaintiff/petitioner by court order and also dismissed the application filed by the petitioner/plaintiff for additional evidence. Learned counsel for the petitioner contends that due to unavoidable circumstances, the petitioner could not examine his witnesses, therefore, he prays that one last opportunity be granted to the petitioner to examine his witnesses.

3. I have heard learned counsel for the petitioner and perused the



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whole file of this case with his able assistance.

4. A perusal of the file shows that the petitioner is about 70 years old. Due to the lapses on the part of previously engaged counsel, essential documents were not produced and also the counsel failed to appear to lead evidence. As a result, the petitioner was compelled to engage new counsel. It is a settled principle that a litigant should not be made to suffer for the lapses of his counsel.

5. A perusal of the file further shows that the petitioner could not examine the witnesses due to unavoidable circumstances as mentioned above. The petitioner should not suffer on account of lapse on the part of the counsel. Moreover, a *lis* should be decided on merits rather on technicalities, therefore, justice demands that one last opportunity is required to be given to the petitioner to examine the witnesses.

6. In view of the above, the present revision petition stands **allowed** and orders dated 04.01.2025 and 02.04.2025 passed by learned Civil Judge (Junior Division), Batala are set aside. One last opportunity is granted to the petitioner to examine his witnesses, subject to payment of Rs.5,000/- as costs to be deposited by the petitioner with the Punjab and Haryana High Court Bar Association.

7. Learned Civil Judge (Junior Division), Batala is directed to grant one last effective opportunity to the petitioner to examine his witnesses.

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

13.08.2025
Sumit Gusain/Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No