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

(132)

CR-2179-2025

Date of Decision: - 07.04.2025

Shri Arjun Dass and son (HUF) and another**....Petitioners****Versus****M/s Hanuman Rice Mill and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Anurag Gupta, Advocate,
for the petitioners. (Through VC).

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 11.03.2025 (Annexure P-1) passed by the Civil Judge (Senior Division), Kaithal, vide which the evidence of plaintiffs has been closed by Court order.

2. Learned counsel for the petitioners has submitted that the petitioners are the plaintiffs and they had filed a suit for recovery and thus, any delay in the proceedings is primarily going to cause prejudice to the petitioners. It is further submitted that the petitioners only want to examine one more witness and has submitted that the case is now listed for 08.04.2025 and the petitioners would produce the said witness at their



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own responsibility on a date given by the trial Court on 08.04.2025. It is stated that for the inconvenience caused to the respondent, the petitioners are ready to pay adequate costs. It is submitted that the father of the petitioner No.2 was not keeping in good health and thus, the petitioners could not follow up the case diligently. In support of the said argument, learned counsel for the petitioners has referred to the medical record (Annexure P-3).

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one last effective opportunity to conclude their entire evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 11.03.2025 (Annexure P-1) is set aside to the extent that the defence of the petitioners has been struck off and the petitioners are granted one last effective opportunity to lead their entire evidence and the same would be subject to the petitioners depositing an amount of Rs.12,000/- as costs, within a period of three days from today and on their depositing the said amount, the same would be released by the trial Court to the surviving respondents (as defendant No.3 is stated to have died) in equal proportion. The trial Court would give a date on 08.04.2025 to the petitioners to produce their entire oral evidence and on the date so given, the petitioners would produce their oral evidence and only the witnesses so produced on the said date, would be permitted to be examined by the trial Court.

4. It is made clear that in case the cost of Rs.12,000/- is not



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deposited by the petitioners within the period of three days from today, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents in order to defend the present petition. However, it would be open to the respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

April 07, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No