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

CR-526-2017 (O&M)
Date of decision: 03.09.2025

Mehar Kaur

...Petitioner

Versus

Satya Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munish Gupta, Advocate for the petitioner
(Through Video Conferencing)

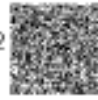
VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 08.12.2016 (Annexure P-2) vide which the evidence of the plaintiff/petitioner has been closed by order and order dated 03.01.2017 (Annexure P-5) vide which the application for recalling the order dated 08.12.2016 has also been dismissed.

2. On 03.03.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. M.S. Longia, Advocate for
Mr. Munish Gupta, Advocate for the petitioner.*

*Counsel submits that the evidence of the petitioner-
plaintiff was closed by order by the Civil Judge (Senior*



Division), Garhshankar on 08.12.2016 (Annexure P-2) and she would be adversely effected, if the said order is not set aside, which has been further upheld on 03.01.2017 (Annexure P-5), since it is a suit for specific performance. It is further submitted that the other side can be compensated by payment of costs.

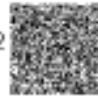
Notice of motion for 03.05.2017.

Dasti also.

In the meantime, the passing of final order shall remain stayed.

MARCH 03, 2017”

3. Learned counsel for the petitioner has submitted that in the present case, the petitioner along with Kashmir Singh had filed a suit for specific performance on the basis of agreement to sell dated 19.01.2010 and thus, delay in the present proceedings would delay the suit of the petitioner-plaintiff only. It is further submitted that in the present case, the petitioner has already examined two witnesses and seeks one last effective opportunity to lead her entire evidence, oral as well as documentary. It is submitted that in the present case, the petitioner-plaintiff could not lead complete evidence as plaintiff No.1 was under judicial lockup in the criminal case and plaintiff No.2 (petitioner) is a lady and she did not know about the intricacy of the trial. It is further submitted that the petitioner is a poor person, but however for the inconvenience caused to the respondents-defendants, the petitioner is also ready to pay reasonable costs. It has been fairly submitted that since the proceedings were not stayed thus, the evidence of the defendants has already been led and the petitioner would have no objection even in case the defendants are given a right to lead rebuttal evidence to the evidence which



the petitioner now wishes to lead. In the present case, in spite of the case pending since 2017 and there being an interim order in favour of the petitioner, no one has appeared on behalf of the respondents. It would be relevant to note that contesting respondent Nos.1 and 2 have not been duly served. However, this Court feels that the present revision petition need not to be adjourned further as the present revision petition is being disposed of on a very limited point.

4. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to lead her entire evidence and accordingly, the present revision petition is partly allowed and impugned orders dated 08.12.2016 as well as 03.01.2017, to the extent that the evidence of the petitioner has been closed by order, are set aside with the following directions:-

- i) The petitioner would be given one last effective opportunity to conclude her entire evidence, both oral as well as documentary.
- ii) The petitioner would deposit an amount of Rs.10,000/- within a period of 10 days from today by moving an application before the trial Court. On deposit of the said amount, the same would be released by the trial Court to defendant Nos.1 and 2 in equal proportion i.e., Rs.5,000/- each.
- iii) In case, the said amount is not deposited within the aforesaid period, then the present revision petition would be deemed to have been dismissed.
- iv) It has been fairly submitted by learned counsel for the petitioner that



the defendants have already led their evidence. Thus, liberty is granted to the defendants to lead rebuttal evidence to the evidence which the petitioner would now produce in pursuance of the present order.

5. In the present case, both the respondents have not been served. However, it would be open to respondents 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.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

03.09.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No