



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

135

**Civil Revision No.4608 of 2025 (O & M)
Date of decision :-21.07.2025**

Darbara Singh and others**.....Petitioners****Versus****Major Singh and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rahi Mehra, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 28.5.2025 passed by the learned Civil Judge (Jr. Divn.), Patti, District Tarn Taran, in Civil Suit No.305 of 2018, titled as 'Darbara Singh and others vs. Major Singh and others', whereby the evidence of the plaintiff was closed by order.

On 28.5.2025 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Patti, District Tarn Taran :-

“No PW is present. Perusal of the file shows that sufficient opportunities have been granted to the plaintiff to conclude their evidence. But he failed to do so. As such evidence of plaintiff is closed by order. On request, case stands adjourned to 02.07.2025 for defendant evidence.”

Learned counsel for the petitioners submits that the perusal of the zimni orders appended with the present petition as Annexure P-3 collectively shows that plaintiff's witness was not present before the learned trial Court only on two dates i.e. 13.3.2025 and 28.5.2025. Learned counsel submits that the evidence of the petitioners/plaintiff had



commenced on 04.2.2025, whereafter the matter has been adjourned at the request of learned counsel for the defendant; and not at request of learned counsel for the plaintiff/petitioners. It is accordingly prayed that the impugned order dated 28.5.2025 suffers from material error as no adjournment has been sought by the petitioners/plaintiff. It is informed by learned counsel for the petitioners that the next date fixed before the learned trial Court is 30.7.2025.

Heard.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioners, this petition is allowed and impugned order dated 28.5.2025 is set aside. The learned Court below is directed to grant two effective opportunities after 30.7.2025, the date already fixed before the trial Court, to the petitioners herein to enable them to conclude their entire evidence.

Disposed of as above.

Pending application(s), if any, stands disposed of.

July 21, 2025

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No