



CR-2699-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CR-2699-2025

Date of Decision: - 05.05.2025

Gulshan Kumar

....Petitioner

Versus

Sachin Mittal

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dhruv Gupta, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.12.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), Jagadhri, District Yamuna Nagar, whereby the evidence of the petitioner/plaintiff has been closed by court order.

2. Learned counsel for the petitioner has submitted that the petitioner is the plaintiff and he had filed a suit for possession by way of specific performance of agreement to sell dated 11.05.2015 and thus, the delay in the proceeding would primarily prejudice the petitioner. It is further submitted that a perusal of the zimni orders moreso from page Nos.61 to 67 of the paper-book would show that the summons had been issued to the Director, FSL, Madhuban, Karnal for submitting a report

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with respect to the agreement to sell in question and repeatedly the case was adjourned for the submission of the said report, which was not submitted till 10.12.2024, on which the date the evidence of the petitioner was closed. It is stated that although the defendant had given his affidavit-in-chief but he has not been cross-examined as yet and the case is now fixed for 08.05.2025. It is submitted that the petitioner only wishes to examine himself and for the said purpose, prays for only one effective opportunity and in case the same is not granted to the petitioner, then, irreparable loss would be caused to him. It is further that for the inconvenience caused to the respondent, the petitioner is ready to pay adequate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to complete his evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 10.12.2024 (Annexure P-1) is set aside to the extent that the evidence of the plaintiff has been closed by order and the petitioner is granted one last effective opportunity to get himself examined and the same would be subject to the petitioner depositing an amount of Rs.20,000/- as costs, on or before 08.05.2025 and on his depositing the said amount, the same would be released by the trial Court to the respondent.

4. It is made clear that in case, the petitioner does not deposit the costs of Rs.20,000/- on or before 08.05.2025, the present revision petition would be deemed to have been dismissed.

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

May 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No