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

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Date of decision: 20.03.2025

Raghubir Singh

... Petitioner

Vs.

Bhaga and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gobind Dhanda, Advocate
for the petitioner.

SUVIR SEHGAL J.**CM-5336-CII-2025**

1. For the reasons given in the application, it is allowed.
2. Zimni orders passed by the Trial Court from 03.05.2023 to 03.01.2025 are taken on record as Annexure P-3, collectively.

Main case

3. Instant revision petition has been filed by the petitioner/plaintiff No.1 assailing order dated 10.02.2025, Annexure P-3, passed by the trial Court, whereby plaintiffs' evidence has been closed by order.
4. Counsel for the petitioner has requested that one opportunity be granted to the petitioner to produce his entire evidence at his own risk, subject to imposition of cost as deemed reasonable by this Court.



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5. I have considered the request made by counsel for the petitioner as well as examined the documents appended with the paper book.

6. Plaintiffs filed a suit, Annexure P-1, for declaration to the effect that they are owners in possession in equal share along with defendants No. 1 and 2 of the suit land situated in Tehsil and District Panchkula. A decree for permanent injunction was also sought directing defendants No.3 to 5 to correct the revenue records and to enter the name of Mukhtyara Singh, and thereafter, to enter the name of the plaintiffs as his legal representatives. Plaintiffs also sought setting aside of order dated 26.03.2019 passed by Assistant Collector in partition proceedings. Upon being served, suit is being contested and a written statement, Annexure P-2, has been filed by defendants No. 1 and 2. On the basis of the pleadings of the parties, trial Court framed issues on 03.05.2023 and the proceedings were adjourned to enable the plaintiffs to produce their evidence. PW-1, Raghubir Singh, was examined-in-chief on 03.01.2025 and the proceeding were adjourned for his cross-examination on the request of counsel for the defendant as well as for remaining evidence of the plaintiffs at their own responsibility. Despite grant of last opportunity, plaintiffs did not produce any witness on 10.02.2025, when the impugned order was passed, closing the evidence of the plaintiffs by court order.

7. Undisputedly, the plaintiffs have been remiss in leading evidence and despite availing seven opportunities, they have produced only one witness. Onus of proving some of the issues is upon the



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plaintiffs. In case, the plaintiffs are not given the effective opportunity to lead their entire evidence, their cause is likely to be prejudicially effected. This Court is, therefore, of the view that an opportunity deserves to be granted to them.

8. In view of the above, impugned order, Annexure P-3, is set aside. Plaintiffs are granted one effective opportunity to lead their entire evidence at their own responsibility, subject to deposit of Rs.15,000/- as costs with Day Care Centre for Elderly Disabled in Home for Old & Destitute People, Sector 15, Chandigarh, Punjab National Bank, Sector 17-B, Chandigarh, IFS Code: PUNB0008700, Account No. 0537010195737. Deposit of costs shall be a condition precedent to the grant of opportunity.

9. Plaintiffs shall appear before the trial Court on 21.04.2025 and the trial Court would fix a date to enable them to produce their entire evidence, at their own cost.

20.03.2025

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No