



Sr. No.124

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

CR-3927-2025 (O&M)

Date of decision: 14th July 2025

GURPREET SINGH KAPOOR

.....Petitioner

versus

LAKHWINDER SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Akshay Jindal, Advocate,
Mr. Aayush Gupta, Advocate,
Mr. Tushar Kush, Advocate,
for the petitioner.

Mr. Vaibhav Sehgal, Advocate,
for the respondents.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.01.2025, passed by learned Civil Judge (Junior Division), Ludhiana (*hereinafter referred to as 'the trial Court'*), whereby, the evidence of the petitioner has been closed by Court order as well as for setting aside the order dated 07.05.2025, passed by the learned Civil Judge (Junior Division), Ludhiana, whereby, an application filed by the petitioner for recalling the afore order, has also been dismissed.

2. As per the facts on record, the petitioner-plaintiff filed suit for permanent injunction restraining the respondent-defendants from interfering in the peaceful possession of the petitioner-plaintiff over the suit property. The relief of declaration of ownership was also sought on the basis of a transfer deed executed by the grandfather of the petitioner in his favour.



Respondent No.1 is real uncle and respondent No.2 is the real aunt of the petitioner. The father of the petitioner has already died.

3. Learned counsel for the petitioner contends that after framing of the issues, the petitioner had appeared as PW-1 and tendered his affidavit on 06.01.2020 and the matter was adjourned. On 10.01.2020 and thereafter on various occasions, the petitioner had appeared, and he was cross-examined at length. The proceedings were adjourned from time to time on various occasions at the instance of the respondents.

3.1 It is further contended that on 20.05.2019, the defence of the respondent-defendant No.2 was struck off as she did not file the written statement. After some part of the cross-examination of the petitioner/PW1 was conducted, the respondent/ defendant No.2 filed an application for setting aside the order dated 20.05.2019 and sought opportunity to file written statement. The said application was allowed vide order dated 16.05.2023 and the respondent/ defendant No.2 was granted an opportunity to file written statement. Thereafter, the application for interim injunction was decided vide order dated 14.07.2023. On 14.09.2023, PW-2/Shivaly Kapoor, a witness of the petitioner, appeared and the matter was adjourned for her cross-examination. After various adjournments, her cross-examination was completed.

3.2 It is further contended that the petitioner is a young boy and in the meantime, he went abroad for study purpose, as such, he filed an application that his cross-examination be completed through video conferencing. The said application was allowed and the petitioner was directed to appear through video conferencing on 02.12.2024. However, he could not appear as he was unable to get leave from his college and



ultimately, the plaintiff evidence was closed by order of the Court on 14.01.2025.

3.3 It is further submitted that in case one opportunity is not granted to the petitioner at his own responsibility, irreparable loss would be caused to the petitioner. It is further prayed that the petitioner is ready to pay cost for the inconvenience caused to the respondent,.

4. Notice of Motion.

5. Mr. Vaibhav Sehgal, Advocate has put in appearance on behalf of the respondent and filed '*vakalatnama*', which is taken on record. He has opposed the present petition submitting that the case was filed in the year 2017 and the petitioner has failed to complete his evidence for a period of seven years.

6. I have considered the aforesaid submissions and perused the paper-book.

7. No doubt, there is a long delay in conclusion of the proceedings before the trial court, however, keeping in view the fact that the petitioner is a young person who had gone abroad for study purpose, this Court is of the opinion that the petitioner should be granted one last effective opportunity to complete his evidence at his own responsibility.

8. Consequently, the present Civil Revision Petition is allowed. Impugned order dated 14.01.2025, passed by learned Civil Judge (Junior Division), Ludhiana, is set aside to the extent that the evidence of the plaintiff has been closed by order.

9. The petitioner is granted one last effective opportunity at his own responsibility to examine all the witnesses, subject to the petitioner



depositing a sum of ₹40,000/- as costs before the trial Court within a period of 15 days from today. The said amount would be released by the trial Court to the respondent after completion of the evidence of the petitioner. The petitioner would examine all the witnesses on the date fixed by the trial Court and the trial Court would grant only one effective opportunity to the petitioner.

10. In case the witnesses of the petitioner does not appear on the date fixed by the trial Court, no further opportunity shall be granted to the petitioner to produce their witnesses. It is also made clear that in case the petitioner fails to deposit the cost of ₹40,000/- on or before 31.07.2025 and fails to produce his witnesses on the date fixed by the trial Court, the present Civil Revision Petition shall be deemed to have been dismissed.

11. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14th July 2025
simran

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*