



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

123

CR-5553-2025

Date of decision: 20.08.2025

Jasvinder Singh

...Petitioner

Versus

Jasvir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present : Mr. Bhriagu Dutt Sharma, Advocate, for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, for setting aside of the impugned order dated 03.07.2025 passed by learned Civil Judge, Jr. Division, Jalandhar, in Civil Suit No.557 of 2020 titled as Jasvinder Singh Vs. Jasvir Singh, whereby, evidence of the petitioner has been ordered to be closed. It is further prayed that one more opportunity may be given to the petitioner to get the remaining cross-examination of PW-2 Ajaib Singh recorded and further proceedings before the learned Civil Judge, Jr. Division, Jalandhar, may kindly be stayed during the pendency of the present revision petition.

2. The brief facts of the case are that petitioner filed a civil suit for eviction/ejectment of the respondent from the residential house measuring 3 Marlas (272 sq. ft.) situated at Village Lallian Khurd, Tehsil and District Jalandhar and for recovery of rent at the rate of Rs.1500/- per month w.e.f. 01.01.2018 with 6% interest till the termination of the tenancy and thereafter rent on enhanced rates.

3. Upon service of notice, the respondent-defendant chose not to appear and was consequently proceeded against ex parte. However, the



respondent-defendant thereafter filed an application for setting aside the ex-parte proceedings, which was allowed vide order dated 21.04.2022. Pursuant thereto, the respondent-defendant filed his written statement, to which replication was filed by the petitioner-plaintiff, and issues were framed by the learned trial Court on 24.08.2022. The petitioner-plaintiff thereafter examined himself as PW-1 and was duly cross-examined by the respondent-defendant. Subsequently, the petitioner-plaintiff examined PW-2, namely Ajaib Singh, on 06.12.2023, but his cross-examination was deferred on the request of learned counsel for the respondent-defendant. A perusal of the impugned order reveals that the cross-examination of PW-2 could not take place on several subsequent dates i.e. 06.02.2024, 05.03.2024, 16.04.2024, 23.05.2024, 01.07.2024, 29.08.2024, 19.10.2024, 29.01.2025 and 25.04.2025, on one pretext or the other. Ultimately, on 03.07.2025, PW-2 Ajaib Singh himself could not appear on account of personal difficulty, whereafter the evidence of the petitioner-plaintiff was ordered to be closed i.e. Annexure P-13.

4. Learned counsel for the petitioner submits that the petitioner never intended to delay the disposal of the case. It is further contended that PW-2 Ajaib Singh is a material witness, and the entire case of the petitioner-plaintiff hinges upon his testimony. Accordingly, it is prayed that the petitioner may be afforded one more effective opportunity to lead his evidence before the learned Civil Judge (Junior Division), Jalandhar.

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

6. Heard learned counsel for the petitioner and perused the paper book.



7. Keeping in view the aforesaid facts and circumstances, the impugned order dated 03.07.2025 (Annexure P-13) is set aside and petitioner is directed to appear before learned learned Civil Judge (Junior Division), Jalandhar, on the date fixed and learned Civil Judge (Junior Division), Jalandhar, is directed to give one effective opportunity to the petitioner for cross-examination of PW-2 Ajaib Singh and to conclude his entire evidence, subject to payment of costs of Rs.5,000/- to be deposited with concerned District Legal Services Authority.

8. The present petition is disposed of accordingly.

August 20, 2025
anil

(AMARINDER SINGH GREWAL)
JUDGE

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