

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

130

CR-211-2025

Date of Decision: 16.01.2025

Lakhwinder Singh

.... Petitioner

Versus

Swaran Singh and another

.... Respondents

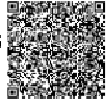
**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Amit Dhawan, Advocate for the petitioner.

**NIDHI GUPTA, J. (ORAL)**

By way of filing the present revision petition under Article 227 of Constitution of India, the defendant/petitioner assails the impugned order dated 20.12.2024 (Annexure P-6) passed by the learned trial Court in Civil Suit No. 301 of 2017 titled as 'Swaran Singh vs. Lakhwinder Singh' whereby the evidence of the defendant/petitioner was closed by order.

Learned counsel for the defendant-petitioner, *inter alia*, submits that the plaintiff-respondents have filed a suit for specific performance of agreement dated 03.02.2014. It is submitted that the petitioner is residing abroad and is represented before the learned trial Court through his Special Power of Attorney holder, namely, Balwinder Singh. It is also submitted that the said Balwinder Singh/Special Power

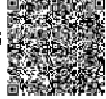


of Attorney Holder of the defendant-petitioner had failed to appear before the learned trial Court on 03 dates i.e. 13.11.2024, 22.11.2024 and 29.11.2024, as he was not feeling well and evidence of the defendant-petitioner was closed by the learned trial Court vide impugned order dated 20.12.2024 (Annexure P-6). Further, it is submitted that the cost of ₹500/- as imposed upon the petitioner by the learned trial Court vide order dated 09.12.2024 (Annexure P-5, Colly.) was also not deposited as the SPA of the petitioner is not well. Learned counsel for the defendant-petitioner prays that the impugned order dated 20.12.2024 (Annexure P-6) may be set aside and the petitioner-defendant may be granted only one opportunity to conclude his entire evidence, subject to payment of reasonable costs. It is further submitted that the next date before the learned trial Court is 20.01.2025.

Heard.

Perusal of the file reveals that since 03.09.2024, numerous opportunities have been granted to Balwinder Singh/SPA Holder of petitioner-defendant to conclude its evidence including one last opportunity and costs to conclude his evidence, but he failed to do so.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner and without commenting upon merits of the case, but in view of principles of natural justice, equity, good conscience and fair play; the impugned order dated 20.12.2024 (Annexure P-6) is set aside. The plaintiff-defendant is hereby granted one effective opportunity to conclude his entire evidence on **20.01.2025**, the date



already fixed before the learned trial Court, at his own responsibility,  
subject to costs of ₹40,000/- which shall be paid to the opposite side.

The instant revision petition stands **disposed of**, accordingly.

16.01.2025  
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( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No