



CR-1909-2022 (O&M)

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

(304)

CR-1909-2022 (O&M)

Date of Decision: - 23.09.2025

Shri Thakur Dawara Ji Maharaj and another

...Petitioners

Versus**Mange Ram (since deceased) through LRs**

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Suryakant Gautam, Advocate,
for the petitioners.

Mr. Rakesh Sobti, Advocate
for LRs of the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 28.03.2022 (Annexure P-2) passed by Civil Judge (Junior Division), Panipat, vide which the evidence of the petitioners/plaintiffs has been closed by court order.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners/plaintiffs had filed a suit for recovery and thus, the delay in the proceedings, if any, would primarily prejudice the petitioners. It is further submitted that on 03.03.2020, four witnesses of the petitioners were present and it is counsel for the respondent/defendant



who had sought an adjournment for cross-examination of the said four witnesses and the same was adjourned to 03.04.2020. It is stated that thereafter the Covid Pandemic happened, on account of which, the case was repeatedly adjourned up to 16.10.2020. Learned counsel for the petitioners has further referred to zimni order dated 12.12.2020 to highlight the fact that there was possibility of amicable settlement for which also the case was adjourned to 07.01.2021 and thereafter, on 07.01.2021 due to the outbreak of Covid Pandemic, again the case was adjourned to 16.04.2021. It is argued that even on 24.11.2021, three witnesses of the petitioners i.e., PW-1, PW-2 and PW-4 were present for their cross-examination but the counsel for the respondent/defendant had sought an adjournment and on account of the same, cost was also imposed upon the respondent/defendant. It is further submitted that a perusal of the order dated 13.12.2021 would show that the cross-examination of PW-2 and PW-4 was completed and even on 28.03.2022, PW-1 was present and was recalled for cross-examination and his cross-examination was completed, however the evidence of the petitioners was closed by order. It is stated that in case one effective opportunity is not granted to the petitioners to complete their evidence, then, irreparable loss would be caused to them.

3. Learned counsel appearing for the LRs of the respondent, on the other hand, has submitted that on 16.04.2021 as well as on 26.07.2021, no witness of the petitioners was present. It is further submitted that in case an opportunity is to be granted to the petitioners to



complete their evidence, then, heavy cost should be imposed upon the petitioners and also only one opportunity be granted to the petitioners and that too on their own responsibility.

4. Learned counsel for petitioners, in rebuttal, has submitted that in view of the objection raised by learned counsel for LR's of the respondent, the petitioners would conclude their evidence, in case, they are granted one opportunity, at their own responsibility and they are also ready to pay cost of Rs.14,000/-.

5. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioners and also on behalf of learned counsel for the LR's of respondent, this Court is of the opinion that the petitioners should be granted one opportunity to conclude their entire evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 28.03.2022 (Annexure P-2) to the extent that the evidence of the petitioners has been closed by court order is set aside with the following observations/directions: -

- (i) Petitioners would be granted one effective opportunity to conclude their entire evidence, at their own responsibility.
- (ii) Petitioners would deposit an amount of Rs.14,000/- with the trial Court within a period of two weeks from today by moving an application before the trial Court and the trial Court would release the said amount to the LR's of the respondent.



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- (iii) It is made clear that in case, the petitioners do not deposit the cost of Rs.14,000/- within a period of two weeks from today, then, the present revision petition would be deemed to have been dismissed.

September 23, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No