

CR-2184-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(134)

CR-2184-2025

Date of Decision: - 07.04.2025

Mahadev Puri

....Petitioner

Versus

Joginder Singh @ Yogeshwara Nand Puri and another

....Respondents

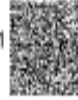
CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

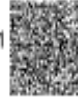
1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 24.02.2025 (Annexure P-4) passed by the Civil Judge (Junior Division), Mukerian, vide which the evidence of petitioner/plaintiff has been closed by Court order.

2. Learned counsel for the petitioner has submitted that the petitioner is the plaintiff and in the suit one of the prayers made is for directing defendant No.1 to hand over the management of the *Gaddi* in question to the plaintiff and also in the alternative suit for possession has been filed. It is further submitted that the delay in the proceedings would primarily prejudice the petitioner. It is stated that the petitioner only has to examine two witnesses and also has to present the plaintiff/petitioner

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for cross-examination as the examination-in-chief has been completed. It is further stated that the case is now listed for 22.04.2025 and the same is for defendant evidence and till date no defendant evidence has been led. It is prayed that for the inconvenience caused to the respondents, the petitioner is ready to pay adequate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last effective opportunity to complete his entire evidence and accordingly, the present revision petition is partly allowed and the impugned order dated 24.02.2025 (Annexure P-4) is set aside to the extent that the evidence of the plaintiff has been closed by order and the petitioner is granted one last effective opportunity at his own responsibility to lead his entire evidence and the same would be subject to the petitioner depositing an amount of Rs.30,000/- as costs, on or before 22.04.2025 and on his depositing the said amount, the same would be released by the trial Court to the respondents in equal proportions. The petitioner would produce himself on 22.04.2025 or any other date given by the trial Court. Due opportunities would be given to counsel for the respondents to cross-examine the petitioner on the said date or any other date as given by the trial Court. The petitioner would also produce all other witnesses on 22.04.2025 and it is only those witnesses who are produced on 22.04.2025 who would be permitted to be examined by the petitioner and due opportunities would be granted to the respondents to cross-examine the said witnesses.

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4. It is made clear that in case, the petitioner does not deposit the costs of Rs.30,000/- on or before 22.04.2025 and does not produce his witnesses on the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents in order to defend the present petition. However, it would be open to the respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

April 07, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No