



CR-3180-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

CR-3180-2017

Date of decision: - 03.09.2025

Pahul Mann

...Petitioner

Versus

Sukhninder Singh Mann and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Gupta, Advocate,
for the petitioner.Mr. Luvraj Dhindsa, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.01.2017 (Annexure P-4) passed by the Civil Judge (Senior Division), Ludhiana vide which the application for recalling the order dated 11.08.2016 (Annexure P-2) has been dismissed.

2. On 16.08.2017, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Present:- Mr. Rakesh Gupta, Advocate
for the petitioner.*

Heard.



Notice of motion for 10.11.2017.

In the meantime, passing of the final order shall remain stayed.

AUGUST 16, 2017”

3. Learned counsel for the petitioner has submitted that in the present case, the petitioner has filed a suit against three defendants for declaration to the effect that the plaintiff is exclusive owner in possession up to 1/5th share in each of the suit properties. It is submitted that on 11.08.2016, the evidence of the petitioner was closed by order except for permitting the cross-examination of PWs Rupinderjit Kaur and Karamjit Singh, who were present on the said date. It is argued that against the said order, the petitioner had filed CR-8306-2016, which was withdrawn without prejudice to the rights of the petitioner to file an appropriate application for recalling of the order closing his remaining evidence. It is submitted that in pursuance of the said liberty granted, the petitioner had filed an application for recalling the order dated 11.08.2016 which had been dismissed vide order dated 20.01.2017. It is further submitted that the delay in the proceedings would primarily prejudice the petitioner as it is his suit which is being delayed. It is stated that the petitioner would close his entire oral as well as documentary evidence in case two effective opportunities are granted to the petitioner. It has been pointed out that respondent No.1 and 3 i.e. defendants No.1 and 3 are ex-parte before the trial Court. It is submitted that the case is now fixed for 18.10.2025 before the trial Court.



4. Learned counsel appearing for contesting respondent No.2 has submitted that in case the petitioner is to be given opportunities to lead his entire evidence, then, heavy cost be imposed on the petitioner. It is further submitted that in the said situation, in case respondent No.2 has led his entire evidence, then, opportunity be further given to respondent No.2 to lead rebuttal evidence to the evidence which the petitioner would now lead after the passing of the present order.

5. Learned counsel for the petitioner in view of the objection raised on behalf of contesting respondent No.2 has fairly submitted that the petitioner is ready pay cost of Rs.30,000/- to respondent No.2.

6. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as respondent No.2, this Court is of the opinion that the petitioner should be granted two effective opportunities to lead his entire evidence and accordingly, the present revision petition is partly allowed and the impugned orders dated 11.08.2016 (Annexure P-2) and order dated 20.01.2017 (Annexure P-4) are set aside to the extent that evidence of the petitioner had been closed by order, with the following observations/directions: -

- (i) Two effective opportunities would be given to the petitioner to complete his entire evidence at his own responsibility.
- (ii) The petitioner would deposit an amount of Rs.30,000/- on or before 18.10.2025 and on him depositing the said amount, the same would be released by the trial Court to respondent No.2. It is made clear that in case the said amount is not

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deposited by the petitioner within the said period, then, the present revision petition would be liable to be dismissed.

- (iii) In case respondent No.2 has led his entire evidence, in view of the fact that the Co-ordinate Bench of this Court had only stayed the passing of final order, then in such situation, respondent No.2 would be granted an effective opportunity to rebut the evidence which the petitioner would now lead subsequent to the passing of the present order. In case the evidence of respondent No.2 has not been led, then in that situation, it would be open to respondent No.2 to lead his evidence in rebuttal to the entire evidence led by the plaintiff.

September 03, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No