



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
120

CR-5688-2025(O&M)
Date of decision: 22.08.2025

Sonu Singh

...Petitioner(s)

Vs.

Ajit Singh (now deceased) through LRs & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. H.S. Batth, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India for setting aside the impugned order dated 14.07.2025 (Annexure P8) passed by the learned Civil Judge (Junior Division), Patti, whereby the evidence of the petitioner/plaintiff has been closed by order.

2. Learned counsel for the petitioner submits that the impugned order is factually incorrect as the learned trial Court failed to appreciate that the petitioner was very much present in the Court. In this regard, learned counsel refers to the photocopy of the zimni of impugned order dated 14.07.2025 (at page 34 of the paper book) as per which signature of the petitioner is shown to be affixed on the said order. It is contended that from



this fact it is clear that petitioner was present in the Court. Thus, the learned trial Court misguided itself in regard to the correct facts and has passed the impugned order on a misapprehension. It is further submitted that great loss would be caused to the petitioner in case the impugned order is not set aside. It is accordingly prayed that the present petition be allowed, and the impugned order be set aside.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the petitioner.

5. Brief facts of the case are that the petitioner/plaintiff had filed Civil Suit No.301 of 2020 on dated 30.06.2020 for declaration and permanent injunction against the defendants/respondents. Written statement thereto and reply to the stay application was filed by defendants No.1 and 2 on 25.03.2022. On 05.10.2023, issues were framed, and evidence of the petitioner commenced. Almost 2 years hence i.e. from 05.10.2023 till the date of impugned order i.e. 14.07.2025, the trial was still at the stage of plaintiff evidence. It is in this background that evidence of the petitioner has been closed by the learned trial Court by order.

6. It is the contention of the petitioner that he was present in Court on 14.07.2025. In this regard, learned counsel has referred to photocopy of the zimni order dated 14.07.2025 (at page 34 of the paper book). First and foremost, the said photocopy does not inspire confidence of this Court as the



same is not a certified copy of the order dated 14.07.2025 and is merely a photocopy. In any event, if the petitioner was present in Court, there is no reason as to why his presence would not be marked by the learned trial Court. A perusal of the other zimni orders (Annexure P3 to P7) reveals that presence of the petitioner/witnesses is very much noted in each order. Therefore, there is no reason as to why presence of petitioner would be omitted on 14.7.2025. In fact, it is categorically noted in the impugned order that witnesses have not come present and even no request in this regard has been received by the counsel for the plaintiff.

7. In any event, for the sake of argument even if it is presumed that the petitioner was present in the Court, admittedly, evidence of the petitioner has not been completed since 05.10.2023 despite the fact that several opportunities have been availed by the petitioner to lead evidence. Learned Civil Judge (Junior Division), Patti, has also noted that the present suit falls in the category of Action Plan Cases which have to be concluded within a timeframe. Impugned order is reproduced hereinbelow:-

“Today is case is fixed for cross-examination of PW 1 & 2. However, the witnesses have not come present and not request has also been received by the Counsel for the plaintiff. It is already 04:30 p.m. Perusal of the file reveals that the case is at the stage, of plaintiff evidence since 05.10.2023 and several opportunities have been availed by the plaintiff to lead evidence. On the last date of hearing also PW1 was partly cross-examined and the case is fixed for today for cross-examination of PW1 & 2.



It is specifically mentioned in the zemini order dated 09.07.2025 that the case in the category of action plan cases. In the given scenario as no witness of the plaintiff are present, the plaintiff evidence is closed by order and case stands adjourned to 22.07.2025 for defendant evidence.”

8. In this circumstance, I find no error in the impugned order.
9. The present petition is **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

22.08.2025

Sunena

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

(Nidhi Gupta)
Judge