



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

115

CR-4478-2025

Date of decision: 18.07.2025

**NIRBHAI SINGH**

**...Petitioner**

**Versus**

**DHARMINDER SINGH**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. S.S. Gill, Advocate  
for the petitioner.

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**HARPREET KAUR JEEWAN, J.**

1. Present civil revision petition has been filed under Article 226/227 of the Constitution of India for setting aside the order dated 23.10.2023 (Annexure P-6) passed by the learned Additional Civil Judge (Senior Division), Payal, Ludhiana, whereby evidence of the defendant was closed by order and prayer has been made for grant of one final effective opportunity to lead defence evidence.

2. Learned counsel for the petitioner submits that the plaintiff/respondent filed a civil suit for recovery on the basis of pronote and availed 18 opportunities to lead the evidence. The suit is being contested by the present petitioner-defendant. The case was fixed for defendant evidence for the first time on 18.09.2023 and thereafter, one opportunity was granted on 25.09.2023 and case was adjourned to 09.10.2023.



3. On 09.10.2023, the petitioner-defendant could not produce any evidence as he was pursuing his transfer application filed before this Court in which, order of notice of motion was issued and passing of final order was ordered to be stayed by the Coordinate Bench of this Court vide order dated 11.11.2022 passed in TA-1364-2022 (Annexure-P-4). It is further contended that the said Transfer Application was ultimately decided vide order dated 13.02.2025 by the Coordinate Bench of this Court.

4. Learned counsel for the petitioner further contends that on 09.10.2023, the bar was abstaining from work, as such, no witness of the defendant could be examined and on the next state of hearing i.e. 23.10.2023, the evidence of the defendant-petitioner was closed by order by the learned Additional Civil Judge (Senior Division), Payal, Ludhiana. The petitioner-defendant was granted only two effective opportunities and thereafter, he was non-suited by closing his order by Additional Civil Judge (Senior Division), Malerkotla.

5. I have heard the aforesaid submissions and perused the paper-book.

6. The petitioner-defendant is contesting the suit filed by the respondent on merits. Valuable rights of the parties are involved. The delay on the part of the petitioner can be compensated. It would be in the interest of justice, if the petitioner could be granted one opportunity to lead his evidence.

7. In view of the above circumstances, the present petition is allowed

8. The impugned order dated 23.10.2023 (Annexure P-6) passed by the learned Additional Civil Judge (Senior Division), Payal, Ludhiana is set aside.

9. The petitioner-defendant shall be granted an opportunity to lead his evidence subject to payment of Rs.20,000/- costs to respondent-plaintiff-



Dharminder Singh. Costs be deposited before the Civil Judge within 15 days, which shall be paid to the respondent upon leading defence evidence by the petitioner.

10. However, liberty is granted to the respondent to file an application for recalling of this order, if so advised, since the order is being passed in his absence.

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

**18.07.2025**  
P.Bhatt

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