

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**  
**CMPMO No.643 of 2025**  
**Decided on 03<sup>rd</sup> November 2025**

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**Smt. Rameshwari Chauhan and another**

**...Petitioners**

**Versus**

**Dheeraj Ram (deceased through his LRs**

**...Respondents**

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**Coram**

**Hon'ble Mr. Justice Ajay Mohan Goel, Judge**

**<sup>1</sup>Whether approved for reporting?**

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**For the petitioners : Mr. Rajeev Sood, Advocate.**

**For the respondents : Ms. Seema Guleria, Advocate.**

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**Ajay Mohan Goel, Judge (*Oral*)**

Issue Notice. Ms. Seema Guleria, Advocate, accepts notice on behalf of the respondents.

2. The petitioners is aggrieved by order dated 15.10.2025, in terms whereof, the right of the petitioners to lead evidence is closed. Learned counsel for the petitioners submits that a request was made to the party on the date concerned that as the petitioner has to go to the Hospital for blood transfusion, the evidence be recorded after some time. However, when the petitioner returned back, the right of the petitioners to lead evidence stood closed by the learned Court below. Learned counsel has drawn the attention of the Court to

Annexure P-2, which is the application that was filed by the petitioners before the Executing Court and on the strength thereof he submits that this application was filed on 15.10.2025 itself for the recall of the order at 12:30 noon, yet no indulgence was shown by the Court.

3. As the submissions made by the petitioners have not been controverted by learned counsel for the respondents, in the peculiar facts of the case, this petition is allowed and order dated 15.10.2025 is set aside and Executing Court is directed to take one last opportunity to the petitioners to lead evidence. The Court stands informed that the matter has been listed on 13.11.2025 before the learned Executing Court, on the said date, learned Executing Court shall grant an opportunity to the JDs to lead evidence. It is clarified that in case the JDs fails to avail this opportunity, then, no further opportunity shall be granted. Pending miscellaneous applications, if any, also stand disposed of.

**(Ajay Mohan Goel)**  
**Judge**

November 03, 2025  
(Vinod)