

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

Civil Revision No. 174 of 2025

Date of decision: 24.11.2025

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Gurjeet Singh

.....Petitioner

Versus

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Vijay Pal Singh & Ors.

....Respondents

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*Coram:*

*The Hon'ble Mr. Justice Satyen Vaidya, Judge.*

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

For the petitioner : Mr. Karun Negi, Advocate.

For the respondents : Mr. P. S. Goverdhan, Senior  
Advocate, with Mr. Rakesh Thakur,  
Advocate, for respondent No.1.

Mr. Vedant Ranta, Advocate, for  
respondent No.7.

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**Satyen Vaidya, Judge (Oral):**

**CMP No.28115 of 2025**

No reply is sought to be filed.

The application is allowed. The documents filed  
along with the application are taken on record, subject to all just  
exceptions.

The application stands disposed of.

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<sup>1</sup> *Whether reporters of Local Papers may be allowed to see the judgment?*

**Civil Revision No.174 of 2025**

The petitioner, by way of the instant petition, has taken exception to the order dated 07.08.2025 passed by the learned Additional District Judge, Nalagarh, District Solan, H.P., in Civil Suit No. 22-NL/1 of 2023/2009, titled Vijay Pal Singh vs. Mangal Singh & Ors, whereby the evidence of the petitioner/defendant No. 3 was ordered to be closed.

2. The petitioner herein is defendant No. 3 in Civil Suit No. 22-NL/1 of 2023/2009, titled Vijay Pal Singh vs. Mangal Singh & Ors, pending adjudication before the learned Additional District Judge, Nalagarh, District Solan, H.P.

3. The record reveals that defendant No. 2 in the suit had closed the evidence on 03.05.2025, enabling the petitioner/defendant No. 3 to produce the evidence. On 31.05.2025, the petitioner/defendant No. 3 did not produce the evidence, and the matter was again adjourned for the same purpose to 19.06.2025. Again, on the said date, i.e., 19.06.2025, no evidence was produced by the petitioner/defendant No. 3 and an adjournment was prayed for. The learned Trial Court allowed the adjournment as an exceptional opportunity subject to costs of Rs. 100/-, and the matter was ordered to be listed on 07.08.2025.

4. On 07.08.2025, again neither the petitioner/defendant No. 3 nor any of the witnesses was present. In this backdrop, the evidence of the petitioner/defendant No. 3 was ordered to be closed by the learned Trial Court.

5. Learned counsel for the petitioner/defendant No. 3 has submitted that on 07.08.2025, the defendant could not appear on account of unavoidable circumstances; however, his affidavit was ready, and learned counsel representing the petitioner/defendant No. 3 had proposed to furnish the affidavit with an undertaking to produce the defendant on the next date.

6. The conduct of the petitioner/defendant No. 3 throughout the pendency of this suit does not appear to be bona fide. He had been proceeded *ex-parte* a couple of times. Every time, the Court had shown indulgence by allowing him to join the proceedings. Sufficient opportunities were provided to the petitioner/defendant No. 3 to lead evidence, but he had failed to do so.

7. Despite the fact that the conduct of the petitioner/defendant No. 3 had not been above board, this Court is of the view that one last opportunity should be provided to the

petitioner/defendant No. 3 to examine himself, only to serve the interest of justice. This Court has been persuaded to take the above view for the reason that on 07.08.2025, learned counsel for the petitioner/defendant No. 3 had offered to submit the evidence affidavit of the petitioner/defendant No. 3, from which some credence can be attached to the fact that the evidence affidavit had been prepared and that the absence of the petitioner/defendant No. 3 on the said date was due to unavoidable reasons.

8. Keeping in view the entirety of the facts and circumstances, this petition is allowed, and the order dated 07.08.2025 is set aside. The petitioner/defendant No. 3 is allowed to examine himself only as his own witness on the date to be fixed by the learned Trial Court for the purpose, subject to the cost of Rs. 5,000/- to be paid by the petitioner/defendant No. 3 to respondent No. 1/plaintiff as a condition precedent. It is clarified that in case the petitioner/defendant No. 3 fails to examine himself as his own witness on the date fixed by the learned Trial Court, no further opportunity shall be granted. List for appearance of parties before the learned Trial Court on 15.12.2025. The petition stands disposed of accordingly.

All pending applications also stand disposed of.

24<sup>th</sup> November, 2025  
(Shamsh Tabrez)

**(Satyen Vaidya)**  
**Judge**