



- 1-

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

122

**CR-2657-2026
Date of decision: 23.03.2026**

FATEH SINGH**....Petitioner**

Versus

BALDEV SINGH NOW DECEASED THR HIS LRS AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**Present :** Mr. G.S. Jagpal, Advocate for the petitioner.**YASHVIR SINGH RATHOR. J.(Oral)**

1. This revision petition is directed against the order dated 03.02.2026 (Annexure P-29) passed by the Court of learned Civil Judge (Junior Division), Ludhiana, vide which the evidence of the plaintiff/petitioner has been ordered to be closed.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

3. Before proceeding further, the impugned order dated 03.02.2026 is reproduced as under:

“No PW is present. Perusal of file reveals that in the present case issues were framed on 30.08.2017 and since then numerous effective opportunities have been given to the plaintiff to conclude his evidence. Ld. Counsel for the plaintiff again requested for one more opportunity for leading plaintiff



- 2-

*evidence. Today no plausible reason assigned for not producing any PW. Hence *plaintiff evidence is hereby closed by order* under Order 17 rule 3 CPC. Now to come up on 03.02.2026 for DWs.”*

4. I have heard the learned counsel for the petitioner/revisionist and have gone through the material on record.

5. Learned counsel for the petitioner/revisionist contended that the petitioner has filed a civil suit for specific performance of an agreement to sell regarding land measuring 9 kanals 10 marlas. Learned counsel further contended that the petitioner has already tendered his affidavit and was partly cross-examined on 04.12.2018, while the material witness (PW2) stands fully cross-examined. Learned counsel contended that the petitioner could not appear for his remaining cross-examination on the date fixed as the marriage of his son was fixed for 12.02.2026, and the Shagun ceremony was being performed. A copy of the marriage card (Annexure P-30) has also been placed on record. Learned counsel next contended that the impugned order is harsh and will cause irreparable loss to the petitioner. Learned counsel further contended that in the interest of justice, one more opportunity be afforded to the petitioner to appear for his remaining cross-examination, subject to payment of cost, so as to enable the case to be decided on merits.

6. I find force in the contention raised by learned counsel for petitioner.

7. A perusal of the record shows that although the trial has been pending for a considerable time, the closure of evidence is a harsh order



- 3-

with far-reaching consequences. Only his cross-examination remains to be conducted and in case, plaintiff is not cross-examined his statement cannot be read in evidence.

8. Accordingly, in the interest of justice, one effective opportunity is granted to the petitioner to appear for his remaining cross-examination and to conclude his evidence, subject to payment of Rs.5,000/- as costs to be paid to the respondents, and the impugned order is accordingly set aside. The petitioner shall ensure his presence before the learned Trial Court on the date fixed for this purpose.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

23.03.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No