



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 7862/2025

Patram S/o Shri Babu Ram @ Babu Lal, Aged About 49 Years,
Resident Of Ward No. 20, Bhagat Singh Nagar, Gharsana, District
Sri Ganganagar (Rajasthan).

-----Petitioner

Versus

Sohan Lal S/o Shri Bhuriya @ Bhura Ram, Resident Of Ward No.
3, Jhandawali, Tehsil And District Hanumangarh (Rajasthan).

-----Respondent

For Petitioner(s)	:	Mr. Sandeep Bishnoi.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

14/07/2025

1. The grievance of the petitioner (plaintiff) is against the order dated 07.03.2025 (Annexure P/4) passed by the learned District Judge, Hanumangarh, in Civil Original Case No. 20/2020, whereby the learned trial court closed the evidence of the plaintiff (petitioner herein).

2. Brief facts of the case first. The petitioner/plaintiff initially filed a Civil Suit No.20/2022 for Specific Performance of the Sale Agreement dated 16.02.2016 before the learned District Judge, Hanumangarh on 12.03.2020. The said suit was registered on 08.07.2020, and summons were issued to the defendant/respondent. The respondent thereafter filed his Written Statement on 03.11.2020, and issues were framed on 08.09.2021. During the plaintiff's evidence, a copy of the Sale

Agreement dated 16.02.2016 was produced before the learned Trial Court on 14.12.2021, which was subsequently impounded on 30.06.2022 and sent to the Department of Registration, Hanumangarh, for payment of proper stamp duty. The original agreement was forwarded for stamp duty payment on 16.03.2023 and was returned on 07.05.2024. In the meantime, certain third parties, namely Meero, Jaskauri, and Veeru Ram, filed an application under Order 1 Rule 10 CPC on 03.07.2024, which was dismissed by order dated 07.08.2024. Aggrieved by the same, they filed S.B. Civil Writ Petition No. 16525/2024 titled Meero and Anr. v. Patram and Anr., in which this Court issued notices vide order dated 21.11.2024, and the present petitioner also entered appearance. The said writ petition is still pending before this Court. Thereafter, the learned Trial Court, vide order dated 23.01.2025, granted a final opportunity to the petitioner to lead evidence, but subsequently, by the impugned order dated 07.03.2025, the petitioner's evidence was closed. Hence, this writ petition.

3. In the aforesaid backdrop, I have heard learned counsel for the petitioner and have perused the case file.

4. Learned counsel for the petitioner argues that the impugned order dated 07.03.2025 (Annex.P/4), whereby the learned Trial Court closed the evidence of the petitioner/plaintiff, is arbitrary, unjust, and contrary to settled principles of civil law. The order has been passed without considering the genuine and unavoidable circumstances that delayed the petitioner's evidence and thus deserves to be quashed.

4.1. The petitioner had produced a copy of the Sale Agreement dated 16.02.2016 before the learned Trial Court on 14.12.2021. The said agreement was impounded on 30.06.2022 and sent to the Department of Registration, Hanumangarh, for payment of stamp duty. The original agreement was then sent on 16.03.2023 and returned only on 07.05.2024, causing a substantial delay in the proceedings. These steps were necessary under law and not due to any fault on the part of the petitioner.

4.2. During this period, certain third parties (Meero, Jaskauri, and Veeru Ram) filed an application under Order 1 Rule 10 CPC, which was dismissed on 07.08.2024. Challenging this, they filed S.B. Civil Writ Petition No. 16525/2024 before this Hon'ble Court, which is still pending, and in which the petitioner has also appeared. This parallel litigation had a bearing on the main suit and contributed to the delay.

4.3. Despite these circumstances, the learned Trial Court, vide its order dated 23.01.2025, granted one final opportunity to the petitioner to lead evidence. However, without appreciating the procedural delays and ongoing writ proceedings, the Court hastily closed the evidence on 07.03.2025. This reflects a prejudicial approach and has caused serious injustice to the petitioner.

4.4. The petitioner is ready and willing to produce his evidence at his own cost, and denial of such an opportunity would amount to a violation of his right to be heard, which is fundamental to the principles of natural justice.

4.5. It is therefore submitted that the interests of justice require that the impugned order be set aside, and the petitioner be

granted a fair opportunity to lead his evidence so that the case may be adjudicated on its merits.

5. Having heard learned counsel for the petitioner, I do not deem it necessary to issue notice to the respondent, as no prejudice would be caused to him by the nature of order which I propose to pass.

6. The suit was instituted by the petitioner/plaintiff seeking specific performance in respect of agricultural land measuring approximately 2 bighas. It was contended that denial of an opportunity to lead evidence would result in serious prejudice to the petitioner and may adversely affect his ability to properly present his case. Counsel acknowledged that although three opportunities had been granted and not availed, a further opportunity was sought. However, the Trial Court, without recording any reasons, proceeded to abruptly close the petitioner's evidence.

7. For ease of reference, English translation (as provided) of the impugned orders dated 07.03.2025, is as below:

*"Learned counsel for the parties are present.
An opportunity was sought for the plaintiff's evidence. A final opportunity had already been granted earlier, and no further opportunity can be given. Therefore, the plaintiff's evidence is hereby closed. The case file be presented for the defendant's evidence on 28.03.2025."*

8. From perusal of the order impugned, it transpires that, while closing the evidence, what weighed on the mind of the learned trial court was that granting of further opportunity to the petitioner would result in delay of the trial proceedings. No doubt, granting of opportunity would have resulted in delay, but the same

could have been compensated by imposing cost. While justice delayed is justice denied, at the same time, justice hurried is justice buried. Without proper evidence, being adduced before the learned trial court, the adjudication on the issues involved, may result in erroneous findings.

9. Thus, I am of the view that learned trial court ought to have taken a lenient view of the mitigating circumstances. There are extenuating reasons which compelled the petitioner to seek adjournment on the fateful day. It will be too harsh a view so as to forfeit his right to lead evidence, which will jeopardize his defence to be taken in the pending proceedings.

10. With respect to the delay, it is true that leading the evidence at this stage may result in some delay. However, the same can be compensated by imposing reasonable costs on the petitioner for leading his evidence at this stage.

11. In the premise, the petition is allowed. The order impugned dated 07.03.2025, (Annex.P/4) is hereby quashed and set aside. It is directed that the petitioner/plaintiff shall be granted one effective opportunity to adduce his evidence. However, such opportunity shall be subject to the condition that the petitioner (plaintiff) pays a cost of ₹10,000/- to the defendant.

12. It is made clear that in case due to burden of work or otherwise, if the trial court on its own discretion wants to adjourn the matter and grant further opportunity, it shall be at liberty to do so.

(ARUN MONGA),J

23-Sumit/-

Whether Fit for Reporting:- Yes / No