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CR No.8150 of 2018

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

Civil Revision No.8150 of 2018
Date of decision: January 30th, 2026

M/s Dev Raj Institution of Management & Technology

.....Petitioner

Versus

Ved Kumar Sharma and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition under Article 227 of the Constitution of India for quashing the order dated 18.01.2018 (Annexure P-1) passed by the Civil Judge (Senior Division), Ferozepur, whereby evidence of the petitioner/plaintiff has been closed by order and order dated 24.09.2018 (Annexure P-2), whereby the application filed by the petitioner for recalling the order dated 18.01.2018 has been dismissed.

2. On 30.11.2018, a coordinate Bench of this Court was pleased to pass the following order:

*“Present: Mr. Raman Goklaney, Advocate
for the petitioner.*

It is submitted by Ld. counsel for the petitioner inter alia that his evidence was closed on 18th January, 2018 vide the impugned order Annexure P-1, and his subsequent application seeking recall of the same order filed within a month on 7th February, 2018 was rejected vide the impugned order Annexure P-2.

It is further submitted that one of the petitioner's witnesses was present on an earlier date and his



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Examination-in-Chief had been completed. However, the date fixed for his cross-examination was subsequently declared as holiday, and therefore his attendance could not be procured on the adjourned date, while his other remaining witnesses failed to turn up inspite of issuance of regular summons for which the petitioner should not have been penalized.

It is further submitted that attendance of the concerned witnesses can only be secured by way of coercive processes such as bailable witness warrants, since in the past they had failed to turn up inspite of issuance of summons, and that the petitioner would not only be diligent in filing the requisites for issuance of such processes to compel attendance of the witnesses, but also pay appropriate compensatory costs to the other side.

Notice of motion for 1st March, 2019.

Ld. Trial Court is directed to adjourn its proceedings beyond the date fixed by this Court.

November 30, 2018”

3. Learned counsel for the petitioner has submitted that the present suit has been filed by the petitioner/plaintiff for recovery and thus, any delay in the proceedings would primarily prejudice the petitioner. It is submitted that in the said circumstances, the petitioner be granted two effective opportunities to conclude its entire evidence. It is further argued that for the inconvenience caused, the petitioner is ready to deposit ₹20,000/-, which would be paid to the respondents.

4. Although the respondents have not been served but since the proceedings have been stayed since 2018, it is thus not possible that they would not be aware of the present revision petition, as the trial Court proceedings, as per the learned counsel for the petitioner, are being adjourned on account of the interim order passed by the coordinate Bench of this Court.



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5. Be that as it may, this Court is of the opinion that since the delay in the proceedings is primarily prejudicing the petitioner as it is the petitioner's suit for recovery, thus, in the said circumstances, the petitioner should be granted two effective opportunities to conclude its entire evidence. The same would however be subject to cost of ₹20,000/-.

6. Keeping in view the abovesaid facts and circumstances, the order dated 18.01.2018 as well as the order dated 24.09.2018 are set aside and the present petition is partly allowed and the petitioner is granted two effective opportunities to lead its entire evidence. The petitioner would deposit an amount of ₹20,000/- on or before 07.02.2026, which the trial Court would release to the respondents/defendants. In case the respondents are aggrieved with the present order, it would be open to them to file an application for recall of the present order.

January 30th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No