

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1163 of 2015

Date of Decision: February 19, 2015

Smt.Jamna Bai

.....Petitioner

versus

Sohan Singh

.....Respondent

CORAM: Hon'ble Mr. Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Kameshwar Gumber, Advocate for the petitioner.

* * *

Dr.Bharat Bhushan Parsoon, J.

1. In a suit for specific performance of agreement to sell dated 21.09.2010 filed by plaintiff Sohan Singh respondent herein, evidence of defendant Smt.Jamna Bai-petitioner herein, was closed vide order dated 15.01.2015 as she could not conclude her evidence despite availing seven effective opportunities.

2. It is claimed that she could not appear due to death of her father-in-law. It is claimed that she was to produce her entire evidence but thus could not do so.

3. Death certificate Annexure P-2 reveals that Karam Singh claimed to be father-in-law of the petitioner died on 14.01.2015. Petitioner was to produce her evidence on 15.01.2015, thus she could not produce the same. Petitioner-defendant was required to examine her husband and forensic expert as witnesses who were to appear before the Court on 15.01.2015 but due to death of father-in-law of the petitioner, witnesses were not produced in Court.

4. Keeping in view the totality of the facts and circumstances,

impugned order is set aside and the petitioner is allowed to produce her entire evidence on the date to be given by the court below. Assistance of the Court for summoning of the witnesses would not be provided to her. Parties are directed to appear before the Court below on 17.03.2015.

February 19, 2015
anil

(Dr.Bharat Bhushan Parsoon)
JUDGE