

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

CR No.219 of 2015

Date of Decision:-12.01.2015

Tarsem Lal & Anr.

.....Petitioners.

Versus

Smt. Baljit Kaur & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sunil Agnihotri, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Plaintiffs are in revision aggrieved by the order dated 15.10.2014 (P-5) passed by the learned Civil Judge(Jr. Divn.), Kharar whereby their evidence has been closed by order.

Plaintiffs are stated to have purchased the share of a plot measuring 10 Biswas out of joint land of 4 Kanals 15 Marlas on payment of entire sale consideration of Rs.8 lac pursuant to a agreement to sell dated 21.4.2009 executed between the parties by the owner Charan Singh, since deceased. A suit for specific performance was filed on 14.03.2013. After availing numerous effective opportunities the evidence has been closed by the impugned order.

It is contended that no doubt sufficient opportunities have been availed, however, in the light of the entire sale consideration having been paid, one last opportunity for leading their entire evidence has been prayed

for by the plaintiffs subject to payment of compensatory costs.

After hearing Counsel for the petitioner/plaintiff and minutely perusing the paper book, although no fault is found with the impugned order, however, it is deemed expedient in the interest of justice to grant one effective opportunity to the plaintiffs to conclude their evidence at their own risk and responsibility subject to payment of costs.

Accordingly order dated 15.10.2014 (P-5) is set aside. The trial Court is directed to grant one effective opportunity to the petitioners/plaintiffs on a date to be fixed to conclude their evidence at their own risk and responsibility subject to payment of Rs.5,000/- by way of demand draft to the defendants as a condition precedent and another sum of Rs.2,000/- to be deposited with State Legal Services Authority, Kharar.

This order is being passed without issuing notice to the opposite side in order to avoid further delay in the matter and to save them from unnecessary litigation expenses. Moreover, they have been adequately compensated by way of payment of cost. However, if the respondents/defendants are still aggrieved by this order, they would be at liberty to seek recalling of the same.

Allowed in the above terms.

(JASWANT SINGH)
JUDGE

January 12, 2015
Vinay