

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

**CR No. 238 of 2015
Date of decision : 14.1.2015**

M/s N. R. Buildcon Private Limited, NoidaPetitioner

v.

Rang RajRespondent

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. Vineet Sehgal, Advocate, for the petitioner

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 23.9.2014 by which his evidence has been closed.

In brief, the plaintiff/petitioner filed the suit for specific performance of an agreement to sell dated 20.4.2006 in which the sale deed was to be executed on 20.7.2006. It is submitted that the petitioner has not been given appropriate opportunity to lead evidence though the defendant has not led evidence despite availing 4 opportunities.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that there is no error in the order of the Court below because on 16.9.2014 following order was passed by the Court below :

“File traced out. Now the case is adjourned to 23.9.2014 for plaintiff evidence. It is made clear that no further opportunity for plaintiff evidence will be granted in any case.”

On 23.9.2014, the following order was passed by the court below which is

under challenge :-

“One deferred witness is present and his cross examination is conducted. Evidence of the plaintiff is closed by virtue of order dated 16.9.2014. Now the case is adjourned to 28.10.2014 for defendant evidence.”

Once the order was passed on 16.9.2014 making it clear to the plaintiff that no further opportunity would be granted for his evidence in any case, the plaintiff should have led the entire evidence on the adjourned date and since the plaintiff failed to lead its evidence, therefore, there is no other order could have been passed by the trial Court except for closing the evidence of the plaintiff.

In view thereof, there is no merit in the present revision petition.

Dismissed.

(Rakesh Kumar Jain)
Judge

14.1.2015
Ashwani