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

CR No.3675 of 2015

Date of decision: May 27, 2015

Tarun Rohilla

.....Petitioner

Versus

Archana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Vij, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 08.04.2015.

Learned counsel for the petitioner has submitted that petitioner be granted one opportunity to enable him to appear in the witness box as a witness. In fact, the petitioner has examined other witnesses in support of his case, but due to inadvertence, he could not himself appeared in the witness box.

A perusal of the impugned order reveals that twenty three opportunities were granted to the plaintiffs to enable them to conclude their evidence. It has been stated during the course of arguments, that none of the plaintiffs have appeared as a witness during trial. Plaintiffs have filed suit for specific performance. In case, the petitioner is not permitted to appear in the witness box, he will suffer an

irreparable loss. Moreover, in case, petitioner is permitted to appear as a witness, the *lis* between the parties will be disposed of on merits.

Accordingly, this petition is allowed. Trial court is directed to grant one opportunity to the petitioner to enable him to appear in the witness box as a witness, subject to payment of ₹5,000/- as costs. Costs be deposited with the District Legal Services Authority. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

May 27, 2015
m.singh