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

**CR No.4724 of 2015**

**Date of decision: July 29, 2015**

Pankaj Kumar

.....Petitioner

Versus

Om Parkash

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. Parminder Singh, Advocate  
for the petitioner.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 02.07.2015.

Learned counsel for the petitioner has submitted that the petitioner be granted one opportunity to enable him to conclude his evidence. In fact, the witnesses now sought to be examined by the petitioner, could have been examined alongwith PW Tilak Raj. However, trial Court had adjourned the case only for cross-examination of PW Tilak Raj and had closed the evidence of the petitioner.

Impugned order reads as under:-

*“Today the case was fixed for plaintiff evidence. One PW namely Tilak Raj is present who tendered his affidavit in his examination in chief. His cross-examination is deferred on the request of learned counsel for the defendant. No other PW is present. The perusal of case file reveals that the defendant has already availed sufficient*

*opportunities to conclude its evidence but has failed to do so and there remains justification to adjourn the case further for the same purpose. Hence the plaintiff evidence is closed by court order. Now to come up on 13.07.15 only for cross-examination of the deferred witness as well as for tendering documentary evidence by the plaintiff.”*

Petitioner has filed suit for specific performance of agreement to sell dated 22.11.2013. In the present case, vide the impugned order, the trial Court had adjourned the case for cross-examination of PW Tilak Raj. Trial Court should have permitted the petitioner to examine other witnesses also on the adjourned date as on the said date only the evidence of the plaintiff was to be recorded.

Accordingly, this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to conclude his evidence at his own risk and responsibility. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)  
JUDGE**

**July 29, 2015**  
*mahavir*