

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

**CR No. 6066 of 2010 (O&M)
Date of decision: 07.12.2015**

Jagan Nath Bansal

... Petitioner

versus

Prem Chand Bansal and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Arun Jain, Senior Advocate with
Mr. Karanbir Singh Sidhu, Advocate for the petitioner.
Mr. Ajay Jain, Advocate for the respondent.

K.Kannan, J.

Although an issue of maintainability was taken, I will not hold it against the plaintiff, at least prima facie so, since the plea by the plaintiff that he is joint owner of the property with defendant No.1 is through a sale deed and, therefore, he is entitled to treat himself as half owner entitled to a share in the income pertaining to his half share. The interrogatories delivered relate to the manner of how the defendant shows the income from the property to the income tax authorities and how accounts are entered as regards the income from the properties. Learned counsel appearing on behalf of the petitioner states that he will be willing to deliver replies by means of affidavit to the interrogatories and seeks for time.

The objection already taken refusing to answer the interrogatories shall be taken as irrelevant in the present situation. The order already passed striking out the defence is set aside and the revision petition is allowed and the respondent shall have opportunity to deliver up the answers to the interrogatories within a period of 4 weeks from the date of the receipt of the copy of the order.

Trial will go on the basis of the reply and the issues will be considered in the light of the admitted facts in the interrogatories and confine the trial Court to what is disputed. Any failure to answer the interrogatories may allow for the Court to pass such order as it is competent under Order 11 Rule 21 CPC.

Records sent to this Court are ordered to be returned to the trial Court.

(K.KANNAN)
JUDGE

07.12.2015

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