

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

Date of decision: 29.01.2015

Chameli Devi

.....Petitioner

v.

Sourav Singla

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Arinder Arora, Advocate for the petitioner

Jaswant Singh, J.(Oral)

Defendant is in revision aggrieved by the order dated 26.11.2014 (P-3) passed by Additional Civil Judge (Senior Division) Naraingarh whereby her evidence has been closed by order.

It is apparent that respondent/plaintiff has filed a suit for possession by way of specific performance with the averments that defendant Chameli Devi had executed an agreement to sell dated 23.12.2009 in his favour regarding sale of agriculture land measuring 30K2M for a total sale consideration of Rs.30 lacs and had acknowledged the receipt of a sum of Rs.20 lacs as earnest money. The target date for execution of the sale deed was 25.12.2010 which by another agreement dated 22.12.2010 was extended to 10.5.2011. Defendant having backed out, the suit was filed on 1.7.2011. Defendant/petitioner has taken the plea that her signatures had been obtained on some blank papers and some other papers in lieu of an

advance loan of Rs.20,000/- in cash with an interest of Rs.1.5 per month. She is stated to have returned a sum of Rs.10,000/-. On the basis of the pleadings issues were framed and evidence of the plaintiff was closed on 11.8.2014.

It is contended that no doubt the petitioner/defendant has availed 7 effective opportunities, however, the plaintiff had taken about 2-1/2 years to conclude his evidence and the said seven opportunities were offered to the petitioner/defendant within a span of three months only which constrained her to lead her entire evidence on account of her being 80 years old widowed lady. Prayer is accordingly for grant of one effective opportunity subject to payment of costs.

After hearing the learned counsel for the petitioner/defendant, I deem it expedient in the interest of justice to grant one effective opportunity to the petitioner/defendant to conclude her entire evidence subject to appropriate costs.

Accordingly, present revision petition is allowed, order dated 26.11.2014 (P-3) is set aside and petitioner/defendant is granted one effective opportunity to lead her entire evidence on a date to be fixed by the trial court subject to payment of costs of Rs.3000/- to the respondent/plaintiff and another cost of Rs.7000/- to be deposited with District Legal Service Authority, Panchkula. Payment of costs shall be a condition precedent for grant of such an effective opportunity.

This order is being passed without issuing notice to the respondent/plaintiff to avoid delay and save him from unnecessary

litigation expenses. Moreover, he has been suitably compensated by way of payment of costs.

Disposed of.

29.01.2015
joshi

(Jaswant Singh)
Judge