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

CR No.6927 of 2012 (O&M)

Date of decision: March 12, 2015

Balwant Singh through his LR's and others

.....Petitioners

Versus

Prem Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. Malkiat Singh, Advocate
for the petitioners.

Mr. Jagjot Singh, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the
order dated 05.11.2012.

Learned counsel for the petitioner has submitted
that the petitioner be granted only one opportunity to enable
him to lead his evidence. Learned counsel has further
submitted that petitioner only wants to prove on record two
documents, i.e. affidavit of Devinder Singh and a writing
dated 21.03.2005 executed by Prem Singh.

Learned counsel for the respondent, on the other
hand has opposed the petition.

In the present case, respondent No.1 Prem Singh
has filed suit for specific performance of agreement to sell
dated 07.01.2005. Petitioner had failed to lead any evidence

despite opportunity. In case, petitioner is not granted one opportunity to enable him to lead his evidence, the case on behalf of petitioner will go undefended. The other side can be compensated with costs. Moreover, the plaintiff will get an opportunity to cross-examine the witnesses examined by the petitioner.

Keeping in view the facts and circumstances, this petition is allowed. Impugned order dated 05.11.2012 is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to lead his evidence at his own risk and responsibility subject to payment of ₹10,000/- as costs to the plaintiff/respondent No.1. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

March 12, 2015

m.singh