

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 7468 of 2013

Date of Decision: 30.07.2015

Sardari Lal

.....Petitioner

Vs.

Surinder Singh Khanna

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

Mr. Suvineet Sharma, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 19.10.2013 and 30.11.2013.

Learned counsel for the petitioner has submitted that the petitioner had deposited the requisite diet money qua the witnesses. In fact on some of the dates the witnesses were present but their cross-examination was deferred at the request of the counsel for the defendant. Learned counsel has further submitted that the petitioner be granted one opportunity to enable him to conclude his evidence.

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

In the present case, petitioner has filed suit for declaration

and partition. Parties are real brothers. In view of the submissions made by learned counsel for the petitioner, it would be just and expedient to grant one opportunity to the petitioner to enable him to conclude his evidence, so that the *lis* between the parties could be disposed of on merits. Moreover, the other side can be compensated with costs.

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, subject to payment of ₹10,000/- as costs. Costs be disbursed to the defendant. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

July 30, 2015
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