

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

CR No. 1260 of 2016(O&M)

Date of decision :18.02.2016

Yogender Mohan

..... Petitioner

Versus

Kumari Ranjeet Kaur

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Namit Khurana, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present petition has been preferred against the order dated 19.08.2015 passed by the learned trial Court, vide which evidence of the petitioner-plaintiff has been closed by order and the order dated 07.01.2016, vide which the application moved by the petitioner for summoning PW-Raj Kumar, the attesting witness was dismissed.

2. Learned counsel for the petitioner contended that the examination of PW-Raj Kumar, the attesting witness is very essential for the just decision of the case as the suit is for specific performance on the basis of agreement to sell dated 05.08.2009 and PW-Raj Kumar is the attesting witness. He contended that the petitioner has deposited the diet money etc. to summon that witness. He contended that now, the petitioner seeks only one opportunity to produce PW-Raj Kumar at this own responsibility.

3. The aforesaid contentions have been duly considered.

4. There is no dispute that the valuable rights of the petitioner are involved in the present case. He has filed the suit for specific performance of the agreement to sell dated 05.08.2009 allegedly executed by defendant. The petitioner wants to produce PW-Raj Kumar, the attesting witness of the said agreement. The evidence of the petitioner was closed on the ground that the petitioner-plaintiff has already availed seven opportunities to lead his evidence. Learned counsel for the petitioner has pointed out that out of those three opportunities were granted on the request of learned counsel for defendant to cross-examine PW-Yogender Mohan.

5. Thus, in these circumstances, in order to meet out the interest of justice, the present petition is hereby allowed and the learned trial Court is directed to afford one opportunity to the petitioner to produce PW-Raj Kumar as a witness at his own responsibility, subject to Rs. 10,000/- as costs, on the date to be fixed by the learned trial Court.

18.02.2016

S.khan

(DARSHAN SINGH)
JUDGE