

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

CR No. 4339 of 2013 (O&M)

Date of decision: January 18, 2016

Gobind Singh

...Petitioner

Versus

Jaswant Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Arun Bansal, Advocate,
for the petitioner.

Mr. Achin Gupta, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The plaintiff in a suit for specific performance wanted additional opportunity to be given with reference to the encashment of the cheque as representing the payment under the agreement. The contest was that there was inconsistency to the pleadings of payment of cash and that further the additional opportunity ought not be given. The manner of payment of consideration is a matter of evidence and the defendant will have an opportunity to cross-examine the plaintiff. If the cheque represented any other liability, that will be permitted to be brought in evidence, after the plaintiff gives his evidence, with liberty to the defendant also to join the issue on the additional evidence brought.

2. The order already passed is set aside with condition that the revision petitioner pays Rs. 10,000/- as cost to the respondent within a period of two weeks from the date of receipt of copy of the order.

3. The impugned order is set aside and the revision is allowed on the above condition and with the liberty to the respondent in the manner, referred to above.

January 18, 2016
prem

(K. KANNAN)
JUDGE

