

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

111

Civil Revision No.8354 of 2016

Date of Decision:12.12.2016

Jagtar Singh

....petitioner

Versus

Jagtar Singh and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Suveer Sheokhand, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

Vide order being assailed, dated 11.01.2016, evidence of the petitioner-plaintiff was closed by order. And, an application moved by the petitioner-plaintiff for recalling of the said order and seeking permission to examine one Ranjit Singh, as witness, by way of additional evidence, has also been dismissed, vide order dated 18.10.2016.

In a suit filed by the petitioner-plaintiff, he is seeking a decree for specific performance of the agreement to sell dated 20.01.2006. And the petitioner-plaintiff has already examined three of his witnesses.

All what is prayed for, is that one effective opportunity be granted to examine Ranjit Singh, who happened to be the attesting witness of the agreement. Although, the plaintiff-petitioner has been remiss in pursuing his cause, but the fact remains that if he is not afforded an opportunity to examine the attesting witness of the agreement, he shall suffer an irreparable loss, which might also result in miscarriage of justice.

That being so, and, without issuing any formal notice to the

respondents, to avert any further delay and the expenses that they shall have to incur to defend these proceedings, the order dated 11.01.2016 as also the order dated 18.10.2016, are set aside.

The revision petition is accordingly disposed of in the following terms:

1. The petitioner-plaintiff shall be granted one effective opportunity to produce Ranjit Singh as his witness, without any assistance or aid of the Court, on the date that shall be fixed by the trial Court.
2. In the event of default, the evidence of the plaintiff-petitioner shall be deemed to have been closed and request, if any, for adjournment shall not be granted.
3. This, however, shall be subject to payment of cost of ₹ 5000/- that shall be a condition precedent.

12.12.2016

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**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No