

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

C.R. No.3557 of 2017 (O&M)

Date of Decision:02.08.2017

Ranjit Singh

...Petitioner

Versus

Kulwant Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. KDS Sodhi, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff/petitioner has filed the present revision petition under Article 227 of the Constitution of India, challenging the order dated 02.12.2016 passed by the learned trial Court, which reads as under:-

“PW-2 is present and cross-examined. No other PW is present despite last opportunity. Perusal of the file has revealed that plaintiff availed numerous opportunities. Including undertaking to produce evidence, but failed. So no ground is made out for adjourning the case for evidence of the plaintiff and same is closed by order. Now to come up on 20.01.2017 for defendant evidence.”

Plaintiff had filed a suit for possession by way of specific performance of agreement to sell dated 27.01.2010. Plaintiff had affixed substantial Court fee.

Learned counsel for the petitioner has pleaded that due to

severe back pain, the plaintiff could not appear in the witness box. Learned counsel for the petitioner has further pleaded that the plaintiff had affixed Court fee of Rs.67,400/-.

I am of the opinion that the plaintiff has been thoroughly negligent in prosecuting his case. However, taking into consideration the facts and circumstances of the case, I deem it appropriate to grant one more effective opportunity to the appellant to produce and conclude his entire evidence.

As per the counsel for the petitioner, the case is now fixed for rebuttal evidence on 08.08.2017, meaning thereby the defendants have already led their evidence. Since one opportunity is being granted, the defendants would be entitled to cross-examine the witnesses examined by the plaintiff and thereafter, the defendants would be given one additional opportunity to produce their supplementary evidence, if any.

The suit was filed on 06.01.2014. It has been pending for 03 years and 06 months. The opportunity is granted to the plaintiff, subject to payment of Rs.20,000/-, which will be paid to the defendants.

Since I am disposing of the revision petition on the very first date, therefore, the respondents are given opportunity to move an application for modification, if required.

Revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

02.08.2017
sk

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No