

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5061 of 2017

Date of Decision: 01.08.2017

Bharat Lal Gupta @ Bharat Lal

.....Petitioner

Vs.

Kamaljit Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ashok Singla, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The prayer in the petition filed under Article 227 of the Constitution of India is for setting aside of the impugned order dated 25.04.2017 (Annexure P-1) passed by the learned trial Court whereby in the petitioner/plaintiff's case under Section 6 of the Specific Relief Act the evidence has been closed .

Learned trial Court has closed the evidence of the petitioner on the ground that despite giving five opportunities, petitioner remained fail to examine his witnesses. Moreover, he had given undertaking on the last date of hearing i.e. 23.03.2017 but no PW was present on the date of evidence on 25.04.2017. As such evidence of the petitioner was closed by the learned trial Court.

Learned counsel for the petitioner submits that petitioner tenant under one Asha Saxena and during the continuance of the aforesaid tenancy the aforesaid landlady allegedly sold the property to present respondent and present respondent wrongly and illegally on 12.08.2015 took forcible possession and hence the suit under Section 6 of the Specific Relief Act dated 07.12.2015 was filed by the present petitioner. The issues in this case were framed on

17.08.2016 and the case was fixed for PW's . After affording four opportunities on 07.10.2016, 02.12.2012, 23.02.2017, 22.03.2017, the evidence was closed by order on 25.04.2017 vide impugned order Annexure P-1. He further prays for one effective opportunity may be given to the petitioner to examine himself and one Dheeraj Saxena, which evidence is very much necessary for the just decision of the case.

In view of the above, one more and effective opportunity is granted to the petitioner for closing his evidence before the trial Court subject to payment of Rs.5,000/-as costs to the respondent-defendant.

(RITU BAHRI)
JUDGE

01.08.2017
anil

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