

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

**C. R No. 5068 of 2017 (O&M)
Date of decision : 08.12.2017**

Manoj Kumar

....Petitioner

versus

Ansal Housing & Constr. Ltd and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Saurabh Bajaj, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

C.M. No. 26251-CII-2017

Application is allowed as prayed for.

Accordingly, affidavit of the petitioner is taken on record.

C.R. No. 5068-2017

Challenge in this petition is to order dated 04.05.2017 passed by learned Civil Judge (Jr. Divn.), Karnal whereby the evidence of the petitioner/plaintiff was closed and has further sustained the objection raised by counsel for the respondent/defendant consequentially petitioner was restrained from putting question about the part competition document regarding the housing project of the respondent/defendant-company.

Plaintiff/Petitioner filed a suit for declaration and mandatory injunction with the consequential relief of permanent injunction against respondent who is the company having a residential project in the name of “Ansal Town Karnal”. In the aforesaid suit, the petitioner alleged that he had purchased Plot No. B/106 measuring 309.87 sq yards into the

residential project of respondent in the year 2011. The possession was delayed by the respondent-company.

Learned counsel submits that P.W.3 Jai Prakash is a witness from Town and Country Planning and would be essential to be examined for just decision of the case as he is from the department who can give the correct information about the completion of the project.

In view of the above, order dated 04.05.2017 passed by learned Civil Judge (Jr. Divn.), Karnal is hereby set aside and the instant revision petition is ***allowed*** and the trial Court is directed to give one effective opportunity to the petitioner to summon the said witness and complete his evidence.

08.12.2017

G.Arora

Whether speaking/reasoned
Whether reportable

Yes
No

(RITU BAHRI)
JUDGE