

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6356 of 2016 (O&M)
Date of Decision: 05.07.2017

Pritpal Singh

.....Petitioner

Vs.

Salinder Pal and Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Naveen Batra, Advocate, for the petitioner.

Mr.Deepak Verma, Advocate, for respondent No.1.

RITU BAHRI, J. (ORAL)

The prayer in this petition filed under Article 227 of the Constitution of India is for setting aside the order dated 26.08.2016 vide which evidence of defendant-petitioner is closed by order in Civil Suit No.176/12.05.2008.

After hearing counsel for the parties, this fact is not disputed that plaintiff-Salinder Pal Singh filed a civil suit for specific performance in which petitioner has appeared before the trial Court and submitted that he is a bonafide purchaser and he has filed written statement. After recording the evidence of defendant No.1 and 2 on 16.03.2016, the matter was posted for hearing for 01.04.2016 for cross-examination. Thereafter, due to holidays, the matter was taken up on 09.08.2016 and thereafter, the matter was posted for 25.08.2016 for examination of petitioner. On 25.08.2016, there was holiday on account of Janmashtami, the matter was taken up on 26.08.2016. On that day, counsel for the petitioner moved an application seeking an adjournment as he was not aware about that the matter would be taken up for

evidence on 26.08.2016 and he had also to file a separate written statement.

The learned trial Court had closed the evidence of defendant No.3/petitioner by observing that number of opportunity had been given to him to conclude his evidence but he remained fail.

Since the petitioner/defendant No.3 had to file separate written statement, one more opportunity should have been granted by the trial Court to conclude his evidence. As such, the order dated 26.08.2016 is set aside and trial Court is directed to grant one more and effective opportunity to the petitioner to conclude his evidence subject to payment of Rs.15,000/- as costs to be paid to plaintiff before the trial Court.

(RITU BAHRI)

JUDGE

05.07.2017

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