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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-8037-2017

Date of decision : 17.11.2017

Vimla Devi

... Petitioner

Versus

M/s Countrywide Promoters and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kul Bhushan Sharma, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is in the present revision petition against the impugned order dated 28.09.2017 (Annexure P-1), whereby an application for issuing an appropriate direction to the plaintiff to disclose the account number, name and address of the Bank, has been dismissed.

Mr. Kul Bhushan Sharma, learned counsel appearing on behalf of the petitioner-defendant submits that until and unless the particulars of the bank and account number are not disclosed, the defendant would not be able to prove the readiness and willingness of the plaintiff as he was not having the sufficient fund at the relevant point of time.

I have heard learned counsel for the petitioner and appraised the paper book and of the view that the application was devoid of merit, for, the onus of proving the readiness and willingness is upon the plaintiff, if he has failed to do so, such a prayer on behalf of the defendant would tantamount to filling up the lacuna. It would be fatal to the defence and

interest of the defendant, rather the defendant should have cross-examined the plaintiff at appropriate stage in order to draw the adverse influence.

For the foregoing reasons, I do not intend to differ with the findings rendered by the trial Court, much less, no ground is made out for interference.

With the aforesaid observations, the revision petition stands disposed of.

17.11.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No