

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

CR No.8304 of 2017
Date of decision : 28.11.2017

Gurjit Singh

...Petitioner

Versus

Jasupdesb Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Nafees Ahmed Khan, Advocate and
Mr. Bhupinder Ghai, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in revision petition against the order closing the evidence of the plaintiff.

The plaintiff through his counsel had moved an application seeking adjournment by stating thus:-

“2. That the applicant/plaintiff is unable to attend the proceedings of the above mentioned case before this Hon'ble Court for today because he had gone to Delhi in connection with some work and there he fell ill and at present is suffering from high grade fever with symptoms of Dengue fever as well and is therefore not able to travel to Chandigarh to attend the hearing.”

Learned trial Court dismissed the application on the ground that the application is not supported by any medical evidence.

The plaintiff had filed a suit for specific performance of the agreement to sell dated 10.02.2006. The plaintiff has already led substantial evidence. However, on the date fixed, the plaintiff-petitioner could not appear on account of the fact which has been extracted above.

Taking into consideration the facts pleaded in the application, this Court is of the opinion that the petitioner-plaintiff deserves to be given one more opportunity to lead and conclude his entire evidence.

In view thereof, the impugned order dated 13.11.2017 passed by the trial Court, is set aside.

Revision petition is allowed.

The petitioner-plaintiff would be given one opportunity to conclude his entire evidence within a period of two weeks from today. This opportunity shall be subject to the payment of costs of ₹10,000/-. The defendants are granted liberty to file an application for modification of the order, if they feel so aggrieved.

28.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No