

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3263 of 2016 (O&M)

Date of decision:22.11.2018

Gian Chand (since deceased) through LR ... Petitioner

Vs.

Poonam Wadhwa and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Arav Gupta, Advocate
for respondent No.1.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned order dated 19.04.2016, whereby, an application under Section 151 of Code of Civil Procedure for examination of signatures of Gian Chand on the summons with standard signature appended on the sale deed by way of additional evidence, has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deems fit, the petitioner will examine the signature of Gian Chand on the summons. He further submits that no prejudice would be caused to the respondents, who shall be compensated in terms of costs.

I have heard learned counsel for the parties and appraised the paper book.

No doubt, there was inordinate delay in moving the application for leading additional evidence in the proceedings initiated under Order 9 Rule 13 of Code of Civil Procedure but I am of the view that the lis between the parties is required to be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner before the Court below to examine the signatures of Gian Chand on the summons subject to payment of costs of ₹25,000/-, undertaken by the learned counsel for the petitioner vide order dated 09.05.2016. The costs shall be paid to the contesting respondent, which shall be a condition precedent.

Accordingly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

November 22, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No