

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

**CR No. 7652 of 2018
DECIDED ON: NOVEMBER 27, 2018**

AVTAR SINGH

.....PETITIONER

VERSUS

M/S KOHINOOR INDIA PRIVATE LTD. & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. G.S. Sirphiki, Advocate
 for the petitioner.

 Mr. Harinder Singh, Advocate
 for respondents No.1 to 3.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been filed under Article 227 of the Constitution of India, seeking quashing of order dated 29.08.2018 passed by learned Civil Judge (Jr. Division), Batala (hereinafter referred to as 'trial Court').

2. The respondents/plaintiffs filed a suit for specific performance of agreement to sell dated 06.01.2012. On notice, petitioner/defendant filed written statement.

3. The respondents/plaintiffs concluded their evidence and the case was fixed for evidence of petitioner/defendant. In spite of various opportunities, petitioner/defendant failed to lead any evidence. The trial Court vide order

dated 29.08.2018 closed the evidence of petitioner/defendant. Aggrieved of the said order, present revision petition has been preferred.

4. Heard learned counsel for the parties.

5. Learned counsel for the petitioner/defendant submitted that the petitioner/defendant be granted one last opportunity for adducing evidence and he shall produce all the witnesses in a time bound manner. He further stated that only petitioner/defendant, his son and two summoned witnesses are to be examined. He further submitted that petitioner/defendant had already got prepared an affidavit dated 29.08.2013, which is to be tendered in evidence. He further submitted that the delay in adducing evidence occurred because the previous counsel had not filed an application for summoning the above witnesses. Now, petitioner/defendant has engaged a new counsel after the passing of the impugned order.

6. Learned counsel for the respondents/plaintiffs rebutted the contention raised by learned counsel for the petitioner/defendant and argued that entire endeavour is only to delay the suit.

7. The contention raised by learned counsel for the petitioner deserves acceptance.

8. A party should not be made to suffer because of the careless attitude of the counsel. The Petitioner/defendant undertakes to conclude the evidence in a time bound manner. In such circumstances, an apprehension of the respondents/plaintiffs that the endeavour of the petitioner/defendant is only to delay the suit has been taken care of.

petitioner/defendant is granted eight weeks' time from today, to adduce their evidence. Learned counsel for the petitioner/defendant undertakes that the next date fixed for hearing before the trial Court is 28.11.2018 and he will do the needful to get the summons issued to the witnesses.

10. The present civil revision petition is allowed, subject to petitioner's depositing ₹5,000/- as cost. Petitioner/defendant is granted last opportunity to conclude evidence within eight weeks from today.

NOVEMBER 27, 2018
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>