

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8063 of 2018

DECIDED ON: NOVEMBER 29, 2018

BALWINDER SINGH CHEEMA AND ANOTHER

.....PETITIONERS

VERSUS

GURMUKH SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

AVNEESH JHINGAN, J (ORAL)

The order dated 15.11.2018 passed by learned Civil Judge (Sr. Division), Fatehgarh Sahib (hereinafter referred to as 'learned trial Court') has been assailed by way of filing the instant civil revision petition, whereby, evidence of petitioner/defendant was closed.

2. The brief facts are that the respondent/plaintiff filed a suit for possession by seeking specific performance of agreement to sell dated 23.01.2015 regarding the suit property. Written statement was filed denying the averments. Thereafter, the respondent/plaintiff concluded his evidence. The petitioner/defendant No.1 filed an affidavit on 05.10.2018. Vide order dated 05.10.2018, the case was adjourned to 29.10.2018 for cross-examination of appearing witness. Thereafter, the case was adjourned to 15.11.2018 by granting last opportunity to the petitioners/defendants to conclude the entire

evidence. On 15.11.2018 the petitioner/defendant was not able to produce witness, consequently, evidence of petitioners/defendants was closed. Hence, the present petition.

3. As per the facts of the case and in the interest of justice, to avoid delay in suit it is not deemed necessary to issue notice to the respondent/plaintiff at this stage.

4. Learned counsel for the petitioners/defendants submitted that only two more witnesses are to be examined, he further submitted that he may be granted two effective opportunities to conclude the entire evidence.

5. The suit was filed in the year 2017. The case was fixed for the evidence of petitioners/defendants on 05.10.2018 and 29.10.2018. On 15.11.2018, the evidence of petitioners/defendants was closed.

6. In the interest of justice, the petitioners/defendants are granted six weeks' time from today, to conclude the entire evidence. It shall be the responsibility of the petitioners/defendants to take necessary steps to ensure the presence of witnesses before the trial Court.

7. The present civil revision petition is allowed, subject to petitioners' depositing ₹10,000/- as cost to respondent/plaintiff.

8. If, respondent/plaintiff is aggrieved of this order, he will be at liberty to revive the same by moving an application.

NOVEMBER 29, 2018
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(AVNEESH JHINGAN)
JUDGE

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