

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

254

CR No.8590 of 2016 (O&M)

Date of decision: 22.02.2018

Gurpreet Singh

..... Petitioner

Versus

Gurjit Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. P.K. Jain, Advocate  
for the petitioner.

Mr. Gurcharan Dass, Advocate  
for the respondent.

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**ANIL KSHETARPAL, J. (ORAL)**

Challenge is to the orders dated 27.10.2016 passed by the learned trial Court closing the evidence of the plaintiff and to the order dated 23.11.2016 passed by the learned trial Court refusing to recall the order dated 27.10.2016.

Although, this Court has noticed that sufficient opportunities have been granted to the plaintiff to lead evidence and the Court was not wrong in closing the evidence, however, taking into consideration that the suit for specific performance of the agreement to sell has been filed and the plaintiff has affixed the Court fee of Rs.90,000/-, this Court is of the considered opinion that the plaintiff-petitioner deserves to be granted one more opportunity to lead his evidence.

On the other hand, learned counsel for the respondent submits that the evidence of the plaintiff was closed, therefore, the defendant had

also withdrawn his counter claim on 08.11.2016. He submits that his rights would be prejudiced if the order is set aside.

Learned counsel for the petitioner submits that he has no objection if the order of withdrawing the counter claim is set aside and the counter claim is revived.

Taking into consideration the stand taken by the respective parties, the plaintiff would be granted one opportunity to lead his entire evidence subject to the payment of cost of Rs.20,000/- payable to the defendant.

Needless to say that the counter claim shall stands revived as conceded by learned counsel for the plaintiff-petitioner.

This Court has noticed that the suit is pending for the last more than four years. The trial Court would make an endeavor to dispose of the suit within a period of one year from the date of receipt of certified copy of this order.

Revision petition is disposed of.

**22.02.2018**  
Dinesh Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

Whether speaking/reasoned                      Yes / No

Whether Reportable                                Yes / No