

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3104 of 2018

Date of Decision:19.09.2019

PREETJOT KAUR AND ANOTHER

...Petitioners

Versus

TARSEM SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Namit Gautam, Advocate
for the petitioners.

Mr. N.K.Vadehra, Advocate
for respondent No.1.

DEEPAK SIBAL, J. (ORAL)

The petitioners filed a suit seeking therein to permanently injunct respondent No.1 or his agents, attorneys, employees, relatives, friends etc. from interfering in their peaceful possession of a vacant plot detailed and described in the head note of the plaint (for short-the suit property).

On being put to notice, respondent No.1, who was defendant No.1 in the suit, appeared before the Trial Court and contested the petitioners' claim. The Trial Court framed issues and thereafter both the parties led their respective evidence. When the matter was listed for rebuttal evidence, if any, and for arguments, an application was filed by respondent No.1 seeking therein to lead additional evidence to prove electricity bills of electric connection bearing account No.3003310600 as also photographs to

prove that the suit property was being used as a godown and that it was not a vacant plot as alleged by the petitioners. Subject to payment of ₹3,000/- as costs, respondent No.1's application was allowed by the Trial Court. Such order is under challenge in the present proceedings.

At the outset, learned counsel for respondent No.1 submitted that through the impugned order, subject to payment of ₹3,000/- as costs, respondent No.1 had been permitted to lead additional evidence and that the aforesaid costs had been duly received by the petitioners. Therefore, the petitioners cannot be allowed to challenge the impugned order.

Learned counsel for the petitioners does not dispute the above fact.

In view of the above, once through the impugned order, subject to payment of costs, respondent No.1 had been permitted to lead additional evidence and such costs, even before filing of the present petition, have admittedly been accepted by the petitioners, they are estopped from challenging the said order.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 19, 2019

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Whether speaking/reasoned Yes/No Whether Reportable Yes/No