

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 105

Case No. : C. R. No. 6580 of 2018 (O&M)

Date of Decision : April 09, 2019

Sapinder Singh .... Petitioner

vs.

Puran Singh (since deceased)  
through his LRs and others .... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.**

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Present : Mr. Vishal Munjal, Advocate  
for Mr. Sunil Agnihotri, Advocate  
for the petitioner.

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**DEEPAK SIBAL, J. (Oral) :**

The present petition is directed against the order dated 23.08.2018 passed by the Civil Judge (Junior Division), Dasuya (for short – the Trial Court) closing the petitioner's evidence for the reason that in spite of having availed sufficient opportunities, he failed to conclude his evidence.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition are that the petitioner filed a suit through which he sought the transfer deed dated 30.06.2014 executed by Puran Singh to be declared as null and void. Challenge was also made to the sale deed dated 17.08.2015 executed by Puran Singh in favour of respondents no. 3 and 4 with regard to the land measuring 73 kanals 03

marlas 05 sarsahis, detailed and described in the head note of the plaint (for short – the suit property).

On being put to notice, the respondents, who were defendants in the suit, appeared before the Trial Court and filed their written statement. Thereafter, the Trial Court framed issues. For the reason that the petitioner did not conclude his evidence after having availed sufficient number of opportunities granted to him by the Trial Court, permission to lead further evidence was declined by the Trial Court through the order under challenge in the present proceedings.

Learned counsel for the petitioner submits that though he was granted five effective opportunities by the Trial Court to lead his evidence, he could not conclude the same within the aforesaid opportunities on account of miscommunication between himself, his counsel and the witnesses he intended to produce. He submits that the delay, if any, on the part of the petitioner to conclude his evidence, was bona fide and that subject to payment of reasonable costs, the petitioner be granted one opportunity to lead his entire evidence at his own risk and responsibility.

After considering the afore-submissions made by learned counsel for the petitioner and in line with the principles of natural justice as also not to preclude the petitioner from leading his entire evidence at the threshold of the litigation instituted by him, subject to payment of Rs.30,000/- as costs, to be paid by the petitioner to the respondents, the impugned order is set aside and it is directed that at his own risk and responsibility, the petitioner be granted one effective opportunity to lead his

entire evidence.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to respondents no.1(a) to 1(c), respondent no. 3 and respondent no. 4 shall be equally transferred to their respective bank accounts.

The petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

( DEEPAK SIBAL )  
JUDGE

April 09, 2019  
*monika*

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|------------------------------------|----------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No.</i> |
| <i>Whether reportable ?</i>        | <i>Yes/No.</i> |