

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

**CR-6880-2019 (O&M)
Date of decision: 01.11.2019**

Sanjeev Kumar

...Petitioner

Versus

Deceased Narinder Kumar Sharma through LRs and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.S. Lalli, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 04.09.2019 (Annexure P-7) passed by the Civil Judge (Junior Division), Jalandhar, whereby evidence of defendant No.1-petitioner has been closed by order.

Plaintiff-respondent No.1 has filed a suit (Annexure P-1) for specific performance of agreement to sell dated 22.04.2005 on 02.01.2014. Issues were framed on 08.08.2018 (Annexure P-5). Thereafter, plaintiff-respondent No.1 closed his evidence on 20.05.2019 and the case was adjourned for 04.07.2019 for evidence of defendants.

Learned counsel for the petitioner states that plaintiff has availed almost 21 opportunities to conclude his evidence, whereas defendant-petitioner has availed only 06 opportunities after 04.07.2019. Out of these 06 opportunities, one date was given as Lawyers were abstaining from work. He further states that defendant-petitioner has to examine five witnesses. Therefore, he prays that two effective opportunities may be provided to the petitioner.

In the given circumstances of the case, to impart complete justice to the parties, it would be appropriate, if adequate opportunity is provided to the parties to lead their evidence.

Accordingly, the impugned order dated 04.09.2019 (Annexure P-7) is set aside and trial Court is directed to provide two effective opportunities to defendant-petitioner to examine aforesaid witnesses and to conclude entire evidence, subject to costs of Rs.5000/- to be deposited with the District Legal Services Authority, Jalandhar.

Allowed accordingly.

01.11.2019
ajp

(RITU BAHRI)
JUDGE

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