

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

-.-

**C.R No. 8277 of 2019
Date of decision: 20.12.2019**

Sukhwinder Singh Sandhu

... Petitioner

Vs.

Varinderpal Singh Sandhu & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Harinder Singh, Advocate, for the petitioner.

ALKA SARIN, J.

The present petition has been filed by the defendant-petitioner challenging the order dated 06.11.2019, whereby on an application moved by the plaintiffs-respondents for framing of an additional issue, the Court has framed an additional issue, which reads as under:-

“2A Whether the sale deed dated 29.03.12 is collusive and without consideration, sham transaction and without legal necessity?OPP”

However, while disposing the said application the Court below has held that there is no requirement to give any fresh opportunity to lead any fresh evidence to the parties. The defendant-petitioner is aggrieved by the said order to the extent that he should have been granted at least one opportunity to lead evidence qua the fresh issue i.e. Issue No.2A.

Notice of motion.

At this stage, Mr. Diwan S. Adlakha, Advocate, accepts notice on behalf of respondent No.1 and states on instructions from his client that he has no objection if the petitioner is granted one opportunity to lead evidence on the additional issue framed by the Court vide order dated 06.11.2019. He further states that he is the attorney of plaintiff-respondent No.2 and that the service on other respondents is not required.

In view of the above, the defendant-petitioner is allowed one opportunity to lead evidence on the date already fixed at his own responsibility.

The petition is disposed of accordingly.

December 20 , 2019

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**(ALKA SARIN)
JUDGE**

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