

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1465 of 2021

Date of Decision: 05.08.2021

M/s P.V.P. Entertainment Limited

... Petitioner(s)

Versus

Suresh Jain

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Aayush Gupta, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The defendant, in a suit for possession by way of specific performance of the agreement to sell, assails the correctness of the order passed by the trial Court on 23.07.2021 by dismissing the application under Order XI Rules 14 and 15 CPC read with Section 151 CPC. In essence, the defendant claims that the plaintiff should be directed to provide the statement of his bank account in order to prove his readiness and willingness. The trial Court has dismissed the application on the ground that the plaintiff shall be required to prove such fact in his evidence.

2. Learned counsel representing the petitioner, while drawing the attention of the Court to Order XI Rule 15 CPC, submits that an application can be filed at or before the settlement of the issues.

3. No doubt, there is some substance in the argument of learned counsel representing the petitioner. However, keeping in view the facts of the case, it is considered appropriate to dispose of the petition while granting

permission to the defendant/petitioner to again submit the request on framing of the issues or anytime thereafter. The defendant can always file an application for supply of a copy of the document which the plaintiff wants to rely upon in his evidence in order to properly cross-examine the witnesses.

4. With these observations, the revision petition is disposed of.

5. Since the order has been passed without issuing notice to the respondent/plaintiff, therefore, he shall have the liberty to file an application for recall.

6. Needless to observe that as and when a fresh application is filed, the trial Court will proceed to decide without being influenced by the impugned order.

(Anil Kshetarpal)
Judge

August 05, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No