

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.121

CR-2039-2021 (O&M)
Date of decision : 20.09.2021

Asha Saluja

..... Petitioner

VERSUS

Ramesh Kumar Bamal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Arora, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is defendant No.1 in a suit for specific performance in respect to agreements to sell dated 17.03.2015, 21.01.2016 and 19.07.2016. Her evidence has been closed vide order dated 25.02.2020 and application for recalling the said order has been rejected vide order dated 24.08.2021.

Learned counsel for the petitioner submits that the petitioner-defendant No.1 may be granted last and final opportunity to conclude her entire evidence subject to payment of costs.

Notice of motion.

Mr. Ajay Jain, Advocate, accepts notice on behalf of respondents No.1 and 2 and waives service.

Ms. Madhu Dayal, Advocate, accepts notice on behalf of respondent No.3 and waives service.

Learned counsel for respondents No.1 and 2 submits that the petitioner was granted last opportunity vide order dated 01.10.2019. Thereafter, eight more last opportunities were granted and finally, the evidence was closed vide order dated 25.02.2020. Under the circumstances, she does not deserve any concession.

Keeping in view the contentions raised on behalf of the opposing parties as well as the interest of justice, I deem it appropriate to set aside order dated 25.02.2020 and 24.08.2021. The petitioner-defendant No.1 shall be granted one last opportunity to conclude her entire evidence subject to payment of costs of Rs.5,000/- to the plaintiffs. I have been told that the next date of hearing is tomorrow, i.e. 21.09.2021. The petitioner-defendant No.1 shall lead her entire evidence tomorrow itself.

The revision petition stands disposed of.

A copy of this order be given to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

(SUDHIR MITTAL)
JUDGE

20.09.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No