

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3118 of 2017(O&M)
Date of decision: 05.08.2022

Atma Singh

..Petitioner

Versus

Rajinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Birinder Singh Khular, Advocate
for the petitioner.

Mr. Vijay Lath, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

In a suit for recovery of the amount, an application filed by the plaintiff for seeking permission to lead additional evidence, in order to examine the bank official of the societies and the post office from where the money was withdrawn in order to make payment to the defendant, has been dismissed by the trial court on the ground that more than 20 opportunities have been granted to the plaintiff. The suit is for recovery of the amount. The plaintiff wants to prove that after withdrawing the amount from the bank and the post office, he paid the same to the defendant. Undoubtedly, 20 opportunities were granted to the plaintiff. However, when the plaintiff filed the suit, he was aged about 91 years. The suit is still pending at the trial stage. The evidence ought to be produced is relevant for the proper adjudication of the case.

Keeping in view the aforesaid facts, the order under challenge is set aside, while granting two effective opportunities to the petitioner, subject to the payment of cost of Rs.5000/-, which shall be paid to the defendant.

The revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

August 05, 2022

nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*