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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3946-2022 (O&M)

Date of Decision: 27.10.2022

GURNEET SINGH

.. Petitioner

Vs.

SUKHDEV SINGH (SINCE DECEASED) THROUGH LRS AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

CM-13738-CII-2022

Application is allowed, subject to all just exceptions. Annexure

P-3 is taken on record.

Main case

Petitioner (plaintiff) is aggrieved against the order dated 04.08.2022 (Annexure P-2), whereby the Civil Judge (Jr. Divn.), Ludhiana has closed his evidence in a suit for possession by way of specific performance of agreement to sell dated 14.01.2004.

Learned counsel for the petitioner submits that the petitioner (plaintiff) has filed a suit for possession by way of specific performance of the agreement to sell dated 14.01.2004, wherein after completion of pleadings, the issues were framed on 05.12.2019. He submits that soon thereafter, there was breakout of pandemic COVID-19 and by virtue of the restrictions imposed by the administration, the suit proceedings were delayed. He has drawn the attention of the Court to the zimni orders to submit that the case was fixed for 16.08.2021 for the first time for plaintiff's evidence and though six opportunities were given to the plaintiff, but no

evidence was produced, therefore, the trial Court has passed the extreme order for closing his evidence. He submits that the petitioner (plaintiff) only wishes to examine two witnesses and in case, the permission is granted to the plaintiff, no prejudice would be caused to the other side, who is yet to lead their evidence.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to them. However, it is made clear that in case, the respondents feel that the petitioner has not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

After hearing the learned counsel and considering the above background, this Court finds that though the plaintiff has failed to explain the delay in adducing his evidence and despite last opportunity granted by the Civil Judge (Jr. Divn.), Ludhiana, he could not examine the single witness, but considering the nature of the suit, this Court deems it appropriate to afford two opportunities to the petitioner to conclude his evidence at his own responsibility, subject to payment of costs of Rs.10,000/- to the defendants.

Resultantly, the impugned order dated 04.08.2022 (Annexure P-2) is set aside and petitioner is granted two opportunities to conclude his evidence.

Disposed of.

27.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No