

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

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**CR No. 4536 of 2022 (O&M)  
Date of decision: 18.10.2022**

**Ranjit Singh**

**...Petitioner**

**Versus**

**Balbir Singh and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Gulzar Mohammad, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for setting aside the order dated 26.09.2022, passed by the trial Court in civil suit No. 564 of 2017, titled as ***Ranjit Singh and another vs. Balbir Singh***, vide which the evidence of the petitioner/plaintiff has been closed.

Learned counsel for the petitioner submits that the petitioner along with respondent No. 2 Harjinder Singh has filed the aforesaid civil suit for a decree of possession by way of specific performance of an agreement to sell dated 12.08.2010. It is further submitted that after the issues were framed, the case was fixed for leading plaintiffs' evidence, however, for a considerable long time, the case was adjourned due to COVID-19 situation. Learned counsel has relied upon the zimini orders passed by the trial Court to submit that on a number of occasions, the date was taken by the counsel of the defendants as well.

It is further submitted that as on today, the petitioner wants to

examine one witness, namely Amarjit Singh, who is a witness to the said agreement to sell and also wants to place on record certified copies of the orders passed by this Court in a criminal litigation *inter se* parties.

Learned counsel for the petitioner further submits that the petitioner may be granted one effective opportunity to examine the said witness and the respondents/defendants can be compensated with the cost.

After hearing learned counsel for the petitioner and considering the fact that the civil suit relates to the year 2017 and evidence of the petitioner has been closed by court order and also after going through the zimini orders relied upon by the petitioner, this Court feels that issuance of notice of motion to the respondents will further delay the disposal of the case, therefore, issuance of notice of motion is dispensed with and in view of the facts and circumstances stated by learned counsel for the petitioner, the present petition is allowed. The impugned order dated 26.09.2022 is set aside.

The trial Court is directed to grant two effective opportunities to the petitioner/plaintiff to examine Amarjit Singh as a witness and to place on record the certified copies of the orders as prayed for, however, this will be subject to a condition that the petitioner/plaintiff will pay a cost of Rs. 10,000/- to respondents/defendants.

Liberty is granted to respondents to revive this petition, if so advised.

**18.10.2022**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned  
Whether reportable*

*Yes/No  
Yes/No*