

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

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**CR-8381 of 2018 (O&M)
Date of Order: 07.04.2022**

Rajbir

..Petitioner

Versus

Manjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Harsh Vardhan, AAG, Haryana
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a plaintiff in a suit for grant of mandatory injunction to direct defendant no.1 and 2 to hand over physical custody of the truck bearing No.HR-45B-2161.

During the pendency of the suit, the petitioner's evidence was ordered to be closed as he failed to lead evidence despite several opportunities including the last opportunity.

On 10.12.2018, the following order was passed:-

“Learned counsel for the petitioner contends that though cost was imposed on 13.09.2018 and the same was not paid at the time of passing of impugned order, but on 29.11.2018, the same was paid and was duly received by learned counsel for defendants no.1 and 2. Inaction on the part of the plaintiff/petitioner, if any stood condoned.

Notice of motion 26.03.2019.

Till the next date of hearing, passing of final order shall remain stayed.”

Defendant no.1 and 2 remained unrepresented. The plaintiff claims that he is a registered owner and the truck in question, has been taken away from the custody of the plaintiff, forcibly. The suit is still pending.

Keeping in view the aforesaid facts, let the trial Court grant one more opportunity, to the plaintiff to produce his entire evidence, subject to the payment of cost of Rs.5,000/- to defendant no.1 and 2.

Disposed of accordingly.

April 07, 2022
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(ANIL KSHETARPAL)
JUDGE

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