

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

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**CM-4549-50-CII-2024 in/and
CR-2063-2019****Date of decision:18.03.2024**

Sumit Kumar

... Petitioner

Vs.

Anand Kumar

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Surinder Garg, Advocate for the petitioner.

Ms. Aashna Aggarwal, Advocate for the applicant/respondent.

...

SUKHVINDER KAUR, J.**CM-4550-CII-2024:**

In view of the averments made in the application, the date in the main case is preponed for 18.03.2024 and the main case is taken up on Board today itself.

CM stands disposed of.

CM-4549-CII-2024:

Learned counsel for the respondent has submitted that since April, 2019, the present revision petition is pending. The main suit pending before the trial Court is at the fag end and is pending for arguments since the last about 9 years. The plaintiff/respondent is suffering, as suit for mandatory injunction was filed by him for delivery of possession of the shop of the defendant as license is being delayed. He has stated that he has no objection if the application Annexure P-5 filed by the defendant/petitioner for producing the additional evidence before the trial Court is allowed and

the petitioner is permitted to lead additional evidence by granting one opportunity in this regard. He has further stated that he has no objection if the impugned order dated 20.02.2019 is set aside and the present revision petition is disposed of accordingly.

CM stands disposed of.

Main case:

1. A statement has been suffered by learned counsel for the respondent that he has no objection if the impugned order under revision dated 20.02.2019 passed by the trial Court is set aside and one opportunity is granted to the defendant/petitioner to adduce the additional evidence as per the application dated 14.11.2018 (Annexure P-5) before the trial Court.
2. Keeping in view the aforesaid statement and in the interest of justice for properly adjudicating the matter, one effective opportunity is given to the petitioner to adduce the additional evidence as per the application dated 14.11.2018 (Annexure P-5) before the trial Court. The other party can be well compensated with costs. Accordingly, the present revision petition is allowed and the impugned order is set aside. The trial Court is directed to grant one effective opportunity to the petitioner to adduce the additional evidence as per application dated 14.11.2018 (Annexure P-5) subject to payment of costs of Rs.5,000/- to be paid to the opposite party.
3. Pending application(s), if any, shall also stand disposed of.

18.03.2024

harjeet

1. Whether speaking/reasoned?
2. Whether reportable?

**(SUKHVINDER KAUR)
JUDGE**

Yes/No
Yes/No