

2025:PHHC:030043



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1237-2025 (O&M)
Date of Decision: 03.03.2025

BALRAJ KAPOOR

... .PETITIONER

Vs.

AKHIL DEV AND OTHERS

... .RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. Shiv Kumar, Advocate,
for the petitioner.

Mr. Varun Sharma, Advocate,
for respondent No.3/plaintiff/Caveator.

DEEPAK GUPTA, J.

Petitioner is defendant No.5 before the trial Court in a suit for specific performance. He is aggrieved by the order dated 27.01.2025 (*Annexure P7*), whereby his evidence has been closed by Id. trial Court after observing the conduct of the said defendant, as neither the previous cost had been deposited nor anybody had appeared on his behalf on the date of passing of the impugned order.

2. Ld. counsel prays to grant only one opportunity to conclude the evidence on behalf of the petitioner-defendant No.5 and that he is ready to pay the cost earlier imposed by the trial Court by way of the order dated 14.01.2025.

3. Counsel for the respondent-plaintiff-caveator has opposed the prayer.

4. Heard.

5. Without going into the merits of the controversy involved in the matter, the present petition is hereby disposed of by directing the trial Court to provide one opportunity to the petitioner/Defendant No.5 to conclude his evidence. This is subject to ₹25,000/- costs, which is to be paid by said petitioner/defendant No.5 to the contesting respondent-plaintiff by way of a demand draft, in addition to the payment of cost already imposed by the trial court.

6. As such, the impugned order is set aside. The trial Court is directed to fix one date for producing entire remaining evidence of the defendant No.5/petitioner, who shall be responsible to produce the same as at his own responsibility..

Disposed of.

03.03.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>