



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

258

CR-2132-2019 (O&M)

Date of Decision : 25.03.2025

DARSHAN SINGH (DECEASED) THR LRS AND ANR Petitioners

VERSUS

PARMINDER KAUR AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. L.S. Sidhu, Advocate for the petitioners.

Mr. Rohit Rana, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed by the defendant-petitioners under Article 227 of the Constitution of India challenging the order dated 15.02.2019 whereby their evidence has been closed by order.

2. Learned counsel for the defendant-petitioners would contend that given one opportunity the defendant-petitioners would conclude their evidence at their own risk and responsibility. It is further the contention that only one witness needs to be examined and that defendant-petitioners would produce him at their own risk and responsibility.

3. *Per contra*, learned counsel for the plaintiff-respondent No.1 would contend that despite 10 opportunities having been availed by the defendant-petitioners, the evidence was not led by them and therefore the order dated 15.02.2019 cannot be faulted with.

4. Heard.

5. In the present case the suit is for possession by way of specific performance of the agreement to sell dated 22.12.2012. In case the defendant-petitioners are not allowed to lead their evidence, grave injustice would be occasioned to them. No doubt that the defendant-petitioners had availed 10 opportunities, however, to do complete justice between the parties, one last opportunity is granted to the defendant-petitioners to conclude their evidence at their own risk and responsibility.

6. In view of the above, the impugned order dated 15.02.2019 is set aside and the defendant-petitioners shall be allowed to lead their evidence subject to payment of ₹30,000 (rupees thirty thousand) as costs to be paid to plaintiff-respondents No.1 and 2 proportionately. The payment of costs shall be a condition precedent. The Trial Court is requested not to grant any unnecessary adjournment to either of the parties.

7. The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

25.03.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No