



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

**SAO-30-2019 (O&M)  
Date of decision : 11.03.2025**

**Jawahar Lal Pahwa**

**...Appellant**

**Vs.**

**Vijay Laxmi**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Dinesh Maurya, Advocate for  
Mr. Gaurav Arora, Advocate  
for the appellant.

Mr. Ashish Gupta, Advocate  
for the respondent.

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**ANIL KSHETARPAL, J. (Oral)**

1. The defendant assails the correctness of the First Appellate Court's order granting opportunity to the plaintiff to record his evidence subject to payment of cost of Rs.10,000/-. In fact, the plaintiff's suit for possession by way of specific performance of the agreement to sell was dismissed under Order 17 Rule 3 of the Code of Civil Procedure, 1908, which in appeal has been set aside by the First Appellate Court. The Court has held that the effort should be made to decide the case on merits rather than on technicalities.

2. Moreover, this Court has been informed by the respondent's counsel that now the evidence has already been recorded and the suit is ripe for final arguments.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, the appeal is dismissed.

**(ANIL KSHETARPAL)  
JUDGE**

**11.03.2025**

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Whether speaking/reasoned :  
Whether Reportable :

Yes  
Yes

No  
No