

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1683 of 2015
Date of Decision: 20.4.2015.**

M/s Baba Shyamji Transport Co.

.....Petitioner

Versus

United India Insurance Company
Ltd. and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 17.11.2014 whereby evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that despite due diligence, petitioner had been unable to examine any witness in its defence. Learned counsel has further submitted that petitioner be granted one opportunity to enable it to lead its entire evidence.

Respondent No. 1 has filed suit for recovery against the petitioner. Although, four opportunities were granted to the petitioner to conclude its evidence but petitioner failed to examine any witness. In the present case, petitioner has not examined any witness. In case petitioner is not permitted to lead its evidence, petitioner will suffer an irreparable loss.

Keeping in view the submissions made by the learned counsel for the petitioner, this petition is allowed. Impugned order dated 17.11.2014 is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable it to lead its evidence at its own risk and responsibility subject to payment of ₹ 5000/- as costs. Costs be deposited with District Legal Services Authority, Karnal. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

**April 20, 2015
Gurpreet**