

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 4313 of 2015

Date of Decision: July 10, 2015

Bharat Petroleum Corporation Ltd. etc.
.....Petitioners

Vs.

M/s Highway Services
.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Raman Sharma, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

This is defendants' revision petition against the order dated March 12, 2015 (P-3) closing the evidence of the defendant- petitioner by order and order dated May 19, 2015 (P-6) dismissing the application for recalling the order dated March 12, 2015.

Learned counsel for the petitioners has vehemently urged that the plaintiff- respondent had been given a large number of opportunities to complete its evidence whereas the evidence of the defendants which started only on October 10, 2014 by examining DW1 Ravi Parkash has been closed by order without permitting the completion of cross-examination which was conducted partly on two dates of hearing i.e. November 18, 2014 and

December 12, 2014. On January 12, 2015, an application for production of certain documents was filed but subsequently without completion of the cross-examination of DW1 Ravi Parkash, the evidence of the defendants has been closed.

I have heard learned counsel for the petitioners, gone through the nature of the dispute between the parties and I am of the opinion that the trial Court should have given a fair opportunity to the defendant- petitioner to conclude the evidence of the defendants especially the statement of DW1 who had been appearing on various dates of hearing except for one date of hearing when the evidence was closed.

Since the matter is pending before the trial Court w.e.f. 2008 and prima facie fair opportunities have not been given to the defendants to conclude its evidence, I propose to dispose of this petition in limine in the interest of expeditious disposal of the case and saving the plaintiff-respondent from unnecessary expenditure.

This petition is disposed of in limine setting aside the orders annexures P-3 dated March 12, 2015 and annexure P-6 dated May 19, 2015 with a direction to the trial Court to give a fair opportunity to the petitioners to produce DW6 Ravi Parkash by fixing a date of hearing alongwith the relevant documents, desired to be produced by the defendants on a date to be fixed by the trial Court on next date of hearing i.e. July 14, 2015, by moving an application subject to their reliability, relevance and admissibility in accordance with the Evidence Act. The documents which are per se

admissible under law may also be permitted to be tendered. The plaintiff-respondent will be awarded a cost of Rs.10000/-. It is made clear that in case the order passed in limine is not acceptable to the plaintiff-respondent, it will be open to the plaintiff to approach this Court for review of the order.

July 10, 2015
sanjay

(M.M.S.BEDI)
JUDGE