

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

CR-1631 OF 2016

Date of Decision: 03.02.2016

BHARAT PETROLEUM CORPORATION LTD. AND ANOTHER

.....Petitioners

Vs.

BABLI RANI AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

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

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 04.02.2016, closing the evidence of the petitioners/defendants No.3 and 4 and the order dated 15.02.2016, dismissing the application for recalling the above order.

Learned counsel for the petitioners contended that petitioner is only to examine one witness that is officer of the company, which shall be produced by the petitioner on one date on its own responsibility. He contended that earlier this witness could not be produced due to communication gap. The counsel for the petitioner did not communicated to the petitioner about the last opportunity given by the trial Court to lead the evidence. The officer of the company was also transferred and some new officer has taken over. Due to these reasons the witness could not be produced. He contended that the valuable rights of the petitioners are

involved in the suit. Plaintiff-respondent No.1 has challenged the title of defendants No.1 and 2 who had given the land in question on lease to the petitioner-company.

I have duly considered the aforesaid contentions. There is no denial to the fact that the valuable rights of the petitioners are involved in the suit as the very title of the persons who have given the land in question on lease to the petitioner-company, is being challenged. The petitioner is a government company. The non-payment of Rs.100/- as cost on 04.02.2016 itself shows that there was certainly a communication gap between the counsel and the petitioner. Otherwise there was no reason to not to deposit the cost. Moreover, the learned counsel for the petitioner has given an undertaking that the petitioner only wants to examine an officer of the company which shall be produced by the petitioner at its own responsibility on the next date of hearing i.e. 10.03.2016 the date fixed before the learned trial Court.

So the present revision petition is hereby allowed.

The petitioners will produce and examine their witness on 10.03.2016 at their own responsibility, subject to Rs.15,000/- as cost.

The copy of this order be supplied to the learned counsel for the petitioners under the signature of the Court Secretary, keeping in view the short date fixed before the learned trial Court.

(DARSHAN SINGH)
JUDGE

March 02, 2016.

SwarnjitS