

Civil Revision No.4297 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4297 of 2016

Date of Decision: 13.7.2016

The Manager, The Bhiwani Central Coop. Bank Limited

---Petitioner

versus

Kanwar Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.S.Dalal, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against orders dated 19.3.2016 closing evidence of the petitioner/defendant and dated 30.5.2016

whereby application filed by the petitioner for review of order dated 19.3.2016 has been dismissed.

Counsel for the petitioner has submitted that on 19.3.2016, an official from the Bhiwani Central Co-operative Bank Limited was present in the Court but due to counsel representing the bank before the trial court being busy in some meeting of the Bar, proper representation could not be made before the trial court resulting in closing of evidence of the petitioner. It is further submitted that in case the petitioner is provided with one effective opportunity it would examine an Accountant of the bank alongwith relevant record without any default.

I have heard counsel for the petitioner, perused the paper book particularly the orders impugned.

Kanwar Singh respondent has filed a suit for mandatory injunction seeking recovery of interest on certain delayed payments of provident fund, leave encashment, gratuity etc. Orders passed by the Court below would make it evident that the petitioner failed to adduce any evidence despite availing of four opportunities for the purpose. However, keeping in view interest of justice, coupled with the factum that rules of procedure are handmaid of administration of justice, the petitioner is

allowed one effective opportunity to examine accountant of the bank with the relevant record subject to payment of costs of Rs. 10,000/- to be deposited with the trial court and the same shall be released in favour of respondent No. 1, as per rules. The petitioner shall ensure presence of the witness alongwith relevant record on the date fixed i.e. 15.7.2016 and failure of the petitioner to comply with the direction of this Court would amount to dismissal of the petition.

Before parting with the order, it is clarified that the petition has been disposed of without notice to the contesting respondent in order to avoid inconvenience and incurring expenditure by him. However, if the respondent has any grievance to express, he shall be at liberty to file an appropriate application before this Court.

Copy of this order be given dasti.

(Rekha Mittal)
Judge

13.7.2016
PARAMJIT