

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6663 of 2015(O&M)
Date of decision : April 21, 2016

M/s Dabriwala Steel & Engineering Company and another

..... Petitioners

Versus

M/s Saket Steel Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anand Chibbar, Senior Advocate with
Mr. Vaibhav Sahni, Advocate
for the petitioners.

Mr. Munish Jolly, Advocate
for the respondent.

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

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 25.9.2015 whereby the evidence of petitioner has been closed by order.

Mr. Anand Chibbar, learned Senior counsel assisted by Mr. Vaibhav Sahni, Advocate appearing on behalf of the petitioners-defendants submits that an application for framing of additional issues was filed which was dismissed and the same was

assailed in CR No. 4869 of 2015. However, during the interregnum the evidence of the petitioners has been closed on 25.9.2015 whereas revision petition came to be decided on 7.10.2015 and in case three effective opportunities are granted petitioners shall conclude the evidence in affirmative by taking assistance of the court and as per the provisions of Order 16 Rule 1-A CPC.

Mr. Munish Jolly, learned counsel appearing on behalf of the respondent submits that the suit is of the year 1995 and there is already a direction for concluding the trial within one year, yet there is no final adjudication. The petitioners-defendants are adopting dilatory tactics, therefore the revision petition is liable to be dismissed.

I have heard learned counsel for the parties and appraised the paper book.

In view of the peculiar facts and circumstances of the case and the matter was pending adjudication for framing of additional issues and evidence of the petitioners has been closed, I am of the view that in order to advance justice, it is appropriate to grant three effective opportunities to the petitioners-defendants to examine the witnesses as per the provisions of Order 16 Rule 1-A and 16 of CPC on the date to be fixed by the trial court at their own risk. However, the aforementioned order of mine shall be subject to payment of costs of ₹10,000/-. The costs shall be paid to the counsel for the respondent-plaintiff in the High Court.

It is made clear that the payment of costs would be a condition precedent before availing the opportunities to examine the

witnesses.

In case the trial court finds that the petitioners are adopting dilatory tactics, an appropriate order shall be passed. Impugned order is hereby set aside, the civil revision petition is allowed.

(AMIT RAWAL)
JUDGE

April 21 , 2016
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