

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 2042 of 2018(O&M)
Date of Decision:27.03.2018

Gems Buildcon Pvt. Ltd.

....Petitioner

Versus

Bhupinder Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. A.S. Barnala, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, prayer has been made for setting aside order dated 27.11.2017 of the trial Court, whereby evidence of the petitioner in affirmative was closed.

Learned counsel for the petitioner *inter alia* contends that only one last opportunity may be given to the petitioner-plaintiff to examine its authorized signatory namely Major Surinder Singh (retired).

Considering overall facts and circumstances, but without commenting on the merits of the case, in the interest of justice, equity, good conscience and fair play, the impugned order is set aside. Resultantly, the trial Court is directed to afford only one opportunity to the petitioner-plaintiff to conclude its entire evidence at own responsibility, subject to payment of costs of ₹1,00,000/-, to be deposited with the Member Secretary, District Legal Services Authority, Mohali.

It is clarified that for examining its witness, the trial Court would not grant any assistance to the petitioner.

Disposed of with the above observations.

This order has been passed without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

A copy of this order be also sent to Member Secretary, District Legal Services Authority, Mohali, to recover the costs.

27.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No