

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR-2093 of 2018(O&M)
Date of decision : 14.5.2018**

M/s. Swastik Coal Corporation Pvt. Ltd. and another

..... Petitioners

VERSUS

M/s Nahar Industrial Enterprises Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Pawan Kumar, Senior Advocate with
Mr.Rozer Kumar Aggarwal, Advocate for the
petitioners.
Mr.Aalok Jagga, Advocate for the respondent.

AMIT RAWAL, J.

Prayer made in the application is for vacation of
the stay.

Instead of vacating the stay, with the concurrence
of the learned counsel for the parties, hearing of the revision
petition is ordered to be preponed.

CR No.2093 of 2018

The present revision petition is directed against
the impugned order dated 24.8.2017 whereby the evidence
of the petitioners-defendants has been closed by court
order.

Mr.Pawan Kumar, Senior Advocate assisted by Rozer Kumar Aggarwal, learned counsel appearing for the petitioners submitted that the Court below had not taken into consideration the previous zimni orders whereby attributing the allegation of delay on behalf of the defendants had wrongly been taken. It was also submitted that the petitioners want to bring on record accounts statement in case one opportunity is granted.

Mr.Alok Jagga, learned counsel appearing for the respondent submitted that after the closure of evidence, the petitioner-defendants moved an application for additional evidence for bringing on record some piece of evidence whereby the evidence on the main issue had already been led and as such the application is not maintainable, therefore, no challenge can be made to the order dated 24.8.2017, Annexure P.3.

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

Without commenting on the merits of the case, I am of the view that the suit is of year 2014, it is appropriate to grant one effective opportunity to the petitioners for bringing on record the entire aforementioned evidence, subject to payment of costs of Rs.10,000/- to be paid to the contesting respondent, which shall be a condition precedent.

The evidence so brought by the defendants shall be subject to the cross-examination of the plaintiff-respondent.

It is expected that the trial Court shall expedite adjudication of the suit.

Accordingly, the revision petition stands allowed.

May 14, 2018
KD

(AMIT RAWAL)
JUDGE

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes / No