

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-2385-2018

Date of decision: 23.04.2018

M/s Precision Engineering Industry and another

..... Petitioners

Versus

GA Industries and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Nitesh Singhi, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Through this revision under Article 227 of the Constitution of India, prayer has been made for setting aside order dated 01.03.2018 (Annexure P-3) of the trial Court, whereby the evidence of petitioner-defendants was closed by Court order.

2. Learned counsel *inter alia* contends that the impugned order Annexure P-3 is erroneous in view of the fact that the petitioner-defendants were afforded total **six** effective opportunities including **two** last one, before closing their evidence. Placing reliance upon medical certificate Annexure P-2, learned counsel contends that the trial Court has failed to appreciate that petitioner No. 2-proprietor/partner of petitioner No. 1, was suffering from chronic illness, on account of which he could not appear before the trial Court on 01.03.2018 to complete their evidence. In the interest of justice, the petitioner-defendants may be afforded one effective opportunity to conclude his entire evidence, at own responsibility.

3. This Court has given anxious consideration to the submissions made by learned counsel for the petitioner-defendants and is of the

considered opinion that petitioners should be granted one opportunity to conclude their entire evidence, at own responsibility.

4. Therefore, in the interest of justice, equity and good conscience, without commenting upon the merits of the case, the instant revision is allowed. The impugned order dated 01.03.2018 (Annexure P-3) is hereby set aside. The trial Court is directed to afford one opportunity to the petitioner-defendants to conclude their entire evidence, at own responsibility, subject to payment of ₹ 15,000/- as costs to be deposited with the District Legal Service Authority, SAS Nagar, Mohail.

5. The instant revision is allowed without issuing notice to the respondents with a view to impart justice expeditiously 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 a period of six weeks from today.

April 23, 2018

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No