

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

122

CR No.8439 of 2016 (O & M)
Date of Decision:06.03.2018

Sharmanji Yarn Private Limited

...Petitioner

Versus

Satpal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Punj, Advocate
for the petitioner.

Mr. Abhinav Gupta, Advocate and
Mr. Vinay Pandey, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

Defendant No.8/petitioner is in the revision petition against the orders dated 26.07.2016 and 04.11.2016. Vide order dated 26.07.2016, the evidence of the defendants was closed by order. Application filed for recall of that has also been dismissed by the Court vide order dated 06.11.2016.

Learned counsel for the petitioner has vehemently argued that there are 4 sets of defendants, in the suit. All the defendants started leading their evidence on 30.11.2015, whereas on 26.07.2016 the evidence was closed. He has submitted that defendant No.8 had also filed counter claim, which have to be proved by defendant No.8 as if he is a plaintiff. He has further submitted that if his client is given one opportunity he would lead his entire evidence.

On the other hand, learned counsel for the respondents-plaintiffs has contested the suit and has submitted that more than sufficient opportunities have been granted to the defendant to prove their case.

Taking into consideration, the facts that there are 4 sets of defendants and all 4 sets of the defendants have given only approximately 9 months to lead and conclude their evidence. This Court is of the considered view that the defendant deserve to be granted one more opportunity to prove his case particularly when he has filed its counter claim also.

Keeping in view the aforesaid, the revision petition is allowed. Impugned orders dated 26.07.2016 and 04.11.2016 are set aside. Learned trial Court is directed to provide one opportunity to defendant No.8-petitioner to lead its entire evidence at his own responsibility, subject to the payment of cost of Rs.10,000/-.

Since the suit is pending for quite some time, learned trial Court is requested to finally decide the suit preferably within a period of 3 months from the date of receipt of certified copy of the order.

06.03.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No