

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

124+125+271

CRM No.4497 of 2018,
CRM No.5288 of 2018 in/and
CRM-M No.3861 of 2018

Date of Decision: February 15th, 2018

M/s. Keshav Udyog Pvt. Ltd., Faridabad and another

...Petitioners

Versus

M/s. Dinesh Steels, Faridabad

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surinder Mohan Sharma, Advocate
for the applicants-petitioners.

Mr. Harsharan Singh Bajwa, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.5288 of 2018

In the light of the fact that the main case is listed for today,
the present application is rendered infructuous.

Disposed of as such.

CRM-M No.3861 of 2018

Petitioner has approached this Court praying for quashing of
the order dated 12.01.2018 (Annexure P-3) passed by
Judicial Magistrate Ist Class, Faridabad, whereby the documentary evidence
of the petitioners stands closed.

Notice of motion was issued in this case.

Learned counsel for the respondent has filed a reply.

While referring to the zimni orders, which have been attached
along with the reply, he has brought to the notice of the Court the order
dated 19.08.2017, whereby on the statement made by the counsel for the

petitioners, oral evidence of the petitioners was closed. Thereafter,

however, the petitioners were given opportunity to place on record the documentary evidence, if any. Thereafter various dates have been fixed in the case for arguments and on one pretext or the other, petitioners had been seeking adjournments. Ultimately on 12.01.2018, on tender of documents Exhibits D-1 to D-31 in evidence by the counsel for the petitioners, the Court had closed the evidence of the petitioners qua the documents as well.

This order dated 12.01.2018 is under challenge as the counsel for the petitioners contends that the petitioner has found out certain documents in his office which would indicate that he had repaid the amount of ₹68,04,989/- which is the amount involved in cheque No.843916 dated 11.08.2014 which stands dishonoured and is a subject matter of the complaint under Section 138 of the Negotiable Instruments Act, 1881. This plea of the counsel for the petitioners cannot be accepted in the light of the fact that no proper application has been moved before the learned trial Court for leading evidence before the Court or for permission of the said Court. That apart, keeping in view the fact that 12 adjournments have been given for production of the documentary evidence after 19.08.2017, on which date the oral evidence of the petitioners was closed on the statement of the counsel and thereafter also, 5 more adjournments had been sought by the petitioners. It appears that the petitioner is intentionally delaying the Court proceedings.

Finding no merit in the present petition, the same, therefore, stands dismissed.

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CRM No.4497 of 2018

In the light of the dismissal of the petition, the present application for stay, stands disposed of as infructuous.

February 15th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No