

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

CR No. 5685 of 2018

Date of Decision: 11.09.2019

M/s G.D. Manglam Exim Pvt. Ltd.

-Petitioner

Vs

M/s Honey Yarn and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aayush Gupta, Advocate,
for the petitioner.
Mr. Jitender Singh Dadwal, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has preferred this revision petition against the order dated 06.02.2018 passed by Civil Judge (Junior Division), Ludhiana vide which evidence of the defendants was closed.

Perusal of the record would show that evidence of the defendants started w.e.f. 28.11.2017 and the impugned order was passed on 06.02.2018 i.e. within a period of 02 months 06 days including winter vacations.

Vide order dated 23.01.2018, the case was adjourned for 01.02.2018, subject to cost(s) of Rs.1000/-. On 01.02.2018, the Presiding Officer was to avail leave and therefore, the case was taken up on 30.01.2018 and was further adjourned to 06.02.2018.

Perusal of order dated 06.02.2018 would show that tenure of order was on account of non-availability of the evidence of the defendants. No observation was made in respect of cost(s).

Learned counsel for respondent No.1 states that in case the petitioner is burdened with heavy cost(s), respondent No.1 will feel contended and two opportunities be given to the petitioner to conclude its evidence.

In my considered opinion, the offer is just and proper.

Keeping in view the time span granted to the defendants-petitioner for concluding its evidence, I deem it appropriate to grant two effective opportunities to the petitioner to conclude its evidence, however, subject to payment of cost(s) of Rs.50,000/- to be paid to the respondents.

Payment of cost(s) shall be the condition precedent for granting indulgence by the trial Court.

Both the parties are directed to appear before the trial Court on the date already fixed and the Court shall fix a date for leading evidence on behalf of the defendants.

Disposed of.

11.09.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |