

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

**CR No.569 of 2019
Date of decision: 12.03.2019**

M/s New Service Station and others

.....Petitioners

Versus

Hindustan Petroleum Corp. Ltd. And anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Abhishek Singla, Advocate for the petitioners.

None for the respondents.

B.S. WALIA, J (ORAL)

1. None appeared on behalf of the respondents despite service.

Accordingly, they are proceeded against ex parte.

2. Learned counsel contends that although application under Order 16 Rule 1 (3) CPC dated 15.1.2019 was allowed yet the learned Civil Judge (Jr. Division), Patiala while allowing the application directed the petitioner-plaintiffs to produce the witnesses sought to be summoned on 18.1.2019 at their own responsibility subject to two effective opportunities. Learned counsel further contends that the witnesses sought to be produced being officials who are required to produce record maintained by them, refused to appear and to produce the record in the absence of summons having been issued whereupon an application duly supported by affidavit of the sole proprietor of the petitioners was filed on

18.1.2019 but no orders have been passed on the said application till date.

3. In the circumstances, without commenting upon the merits of the claim raised in the revision petition, revision petition is disposed of by directing the learned trial Court to decide application dated 18.1.2019 as expeditiously as possible in accordance with law in any case before the conclusion of the evidence of the petitioner-plaintiffs.

4. At this stage, when the order has been dictated, Ms.Charu Sharma, Advocate, appeared and requested for pass over. However, a perusal of file shows that no Power of Attorney or Memo of Appearance has been filed, and in view of the order having already been dictated, I do not deem it appropriate to accept the request for pass over. On 20.2.2019 also, none had put in appearance on behalf of the respondents despite service. Even today, despite the case having been called out twice none put in appearance on behalf of the respondents except after the order had been dictated in open Court and that too to make a request for pass over.

5. In view of the position as noted above as well as orders passed, the request is declined.

6. Revision petition disposed of as above.

March 12, 2019

ps

**(B.S. WALIA)
JUDGE**