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

CR No. 1254 of 2019 (O&M)
Date of Decision: 03.07.2019

Bedi Exports

-Petitioner

Vs

M/s Nand Lal & Company and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Saurabh Garg, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has challenged the order dated 24.01.2019 passed by the Civil Judge (Junior Division), Pehowa, vide which the evidence of the petitioner was closed by order of the Court.
2. It was noticed in the impugned order that the petitioner has already availed several effective opportunities including one last and final opportunity to conclude its evidence, but still the plaintiff has failed to do so despite the *dasti* process issued for summoning of the witnesses by the trial Court, even that process was not collected by the petitioner.
3. Perusal of the record would show that vide order

dated 22.10.2018, an error in the earlier orders in fixing the application for arguments was rectified and schedule of evidence was fixed by fixing three dates i.e. 05.11.2018, 19.11.2018 and 03.12.2018 in a period spreading in 28 days. Vide order dated 05.11.2018, the case was not adjourned for 19.11.2018. In fact, it was adjourned for 03.12.2018. There is an order dated 19.11.2018 on record, which is also suggestive of the fact that the case was adjourned for 03.12.2018, but the date on which the case was adjourned for 19.11.2018 is not available on record. It is correct that the case was even adjourned beyond the period of 28 days at a later stage.

4. In view of the aforesaid anomaly on record, the petitioner prays indulgence of this Court *de hors* the factual error on record for grant of one opportunity for concluding its evidence subject to adequate costs.

5. Learned counsel for the respondents on the other hand opposed the prayer on the ground that the conduct of the petitioner is deplorable inasmuch as despite grant of one last and final opportunity, the petitioner did not collect even dasti process for effecting service upon the witnesses.

6. Keeping in view the facts on record, I deem it appropriate to saddle the petitioner with costs of Rs. 25,000/- to be paid to the respondents for one opportunity to be granted by

the trial Court for concluding the evidence of the applicant. The trial Court shall fix a date after due notice to the parties for the aforesaid purpose. Payment of costs shall be the condition precedent for granting indulgence by the trial Court.

7. In view of aforesaid, this revision petition is disposed of.

03.07.2019
rakesh

(RAJ MOHAN SINGH)
JUDGE

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