

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

CR-2971-2019 (O&M)
Date of decision : 7.5.2019

Hind Motors (India) Ltd **Petitioner**

Versus

Nitco Logistics Private Limited and another **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gurpreet Singh, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Learned counsel for the petitioner contends that on the date fixed, Shri R.P. Singh, Manager and authorized signatory was present in the Court but did not step into the witness box for cross-examination through out the date on the ground that his counsel is not present. His counsel, Sh. P.K.Kukreja appeared only at 3.50 P.M. In the circumstances, trial Court closed the evidence by order.

I am of the view that there is no illegality and infirmity in the impugned order dated 25.7.2016 (Annexure P-3), passed by learned Civil Judge (Junior Division), Chandigarh. If the witness is present and not ready for cross-examination for one or the other reason, the Court is justified in closing the evidence by order. However, considering the nature of litigation, I am of the view that the petitioner can be granted one opportunity to conclude the evidence subject to heavy cost.

In the circumstances, without issuing notice to opposite party,

petitioner is granted one opportunity to examine the authorized signatory of the plaintiff-company, subject to cost of Rs. 10,000/- payable to the opposite party for causing the delay. It is made clear that witness will be present in the Court at 10.00 A.M along with the counsel. If he failed to appear, the present revision is deemed to have been dismissed.

Disposed of.

(KULDIP SINGH)
JUDGE

7.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No