

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.102

CRM-M-35675-2019

Date of decision : 13.9.2019

M/s New India Thread Industries and another

..... Petitioners

VERSUS

Ramji Acro Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Liaqat Ali, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

Vide order dated 8.3.2019, passed in CRM-M-4702-2019 titled as M/s New India Thread Industries and another Vs. Ramji Acro Limited (Annexure P-2), the petitioner had been granted one opportunity to lead his entire defence evidence at his own risk and responsibility and subject to payment of costs of Rs.5,000/-.

Pursuant to the aforementioned order, the petitioners moved an application before the trial Court, which was allowed vide order dated 29.5.2019 and the petitioners were permitted to lead their defence evidence on 5.7.2019.

Learned counsel for the petitioners submits that four witnesses were to be produced in defence out of which only two came present on 5.7.2019. DW-2 was partially examined, but he did not produce the record as the same could not be produced without orders from the head office concerned. Two witnesses were official witnesses and they did not come present. An application was moved for permission to examine DW-2 alongwith record and for summoning the two official witnesses, but the same was declined by the trial Court vide order dated 12.7.2019. Thus, one more opportunity may be granted to the petitioners to complete their defence

Keeping in view the previous order dated 8.3.2019, the petitioners are not entitled to grant of any further opportunity. However, since DW-2 did not produce the record on the previous date, I deem it appropriate to permit the petitioners to examine the said DW alongwith record on any other date to be fixed by the trial Court concerned.

The present petition stands disposed of.

(SUDHIR MITTAL)
JUDGE

13.9.2019
Ramandeep Singh

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