

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CR-1157-2021

Date of Decision : August 05, 2021

Bharat Petroleum Corporation Ltd and another .. Petitioners

Versus

M/s. Telu Ram Hans Raj Thapar and others .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raman Sharma, Advocate, for the petitioners.

Ms. Divya Sharma, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners submits that though, the Officer of the Corporation should have been vigilant enough to appear before the Court on the date fixed for the cross examination but the closing of the evidence is going to cause prejudice to the petitioners keeping in view the merits of this case. Learned counsel for the petitioners further submits that the petitioners are ready to compensate the respondents for the delay, which has occurred and as directed by the trial Court vide order dated 14.01.2019, the petitioners will lead the full evidence on one given opportunity.

Learned counsel for the respondents submits that granting of another opportunity will further delay the proceedings of the suit, which will cause prejudice to the respondents herein.

I have heard learned counsel for the parties and have gone

through the record with their able assistance.

The efforts of the Court should be that the dispute between the parties should be decided on merits after giving due opportunities to the parties concerned to represent themselves before the Court of law.

In the present case also, as the petitioners are a Corporation, any inaction on the part of the officer concerned should not put the Corporation into a position, which will be detrimental to the said Corporation.

Similarly, this Court has also to take care of the suffering which has already been undergone by the respondents due to the delay at the hands of the petitioners. Keeping in view the facts and circumstances of this case, this Court is of the view that interest of justice will be served in case one opportunity is afforded to the petitioner to lead all the evidence but subject to the payment of cost to the respondents.

Keeping in view the facts and circumstances of this case, as already directed by the trial Court vide order dated 14.01.2019 that the petitioners herein will conclude the entire evidence on the one date, the petitioners are granted one last opportunity to conclude their evidence but the same will be subject to the payment of costs of Rs.25,000/- to the respondents for the delay and the prejudice caused to them due to the inaction of the Officers of the petitioners-Corporation.

This Court has been informed by learned counsel for the parties that the next date fixed before the trial Court is tomorrow i.e. 06.08.2021.

Let the trial Court fixed a date convenient to both the parties so that the petitioners are able to lead the full evidence required to be led on their behalf on the date so fixed. It is made clear that no further opportunity will be granted to the petitioners in case, they do not avail the said

opportunity without any valid and justifiable reason.

Further, the trial Court will ensure that the costs imposed are paid to the respondents before the petitioners lead their evidence.

The present civil revision is disposed of in above terms.

August 05, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No