

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

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CR No.2925 of 2021 (O&M)

Date of decision: 23.11.2021

M/S N.K. Proteins Ltd.

...Petitioner(s)

Versus

M/S Isha Sales Corporation and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ambanshu Sahni, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

The defendant No.1 in a suit for recovery of Rs.17,74,327/-, prays for setting aside the order dated 08.11.2021, whereby the trial Court has closed his evidence.

It has been noticed that defendant no.1 has been granted as many as eight effective opportunities to lead his evidence. After having taken four adjournments, Sh. Siddhant Jhala appeared on 17.08.2021 and tendered his affidavit in lieu of examination-in-chief. Since a copy of the affidavit was not supplied to the counsel representing the plaintiff in advance, as a result, on the request of the learned counsel representing the plaintiff, the case was adjourned to 21.09.2021 for cross-examination of the aforesaid witness as well as remaining evidence of the defendant. The Court had ordered the defendant to produce its entire evidence on his own responsibility. Thereafter, on 21.09.2021, the defendant neither produced the remaining evidence nor Sh. Siddhant Jhala appeared to face cross examination. The Court in order to give enough opportunity to the defendant, adjourned the case to 07.10.2021, subject to the payment of costs of Rs.500/-. On 07.10.2021, the position was no different. The Court still

adjourned the

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case to 08.11.2021, subject to payment of costs of Rs.1000/-. However, the defendant neither produced any other evidence nor Sh. Siddhant Jhala appeared to face the cross-examination.

The learned counsel representing the petitioner contends that Sh. Siddhant Jhala resides in the State of Gujarat and therefore, he could not appear due to festive season.

This Court has considered the submission, however, finds no ground to interfere.

The Court has already granted three opportunities to Sh. Siddhant Jhala to appear and face the cross-examination, however, he failed.

Hence, no ground to interfere in the order passed by the trial Court, is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

23.11.2021

nt/parveen

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