

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

Date of decision : 05.09.2022

1. CRM-M-24118-2019 (O&M)

M/s. Fortune Graphics Ltd. and others

..... Petitioners

versus

M/s. Vasundhra Enterprises

..... Respondent

2. CRM-M-24125-2019 (O&M)

M/s. Fortune Graphics Ltd. and others

..... Petitioners

versus

M/s. Vasundhra Enterprises

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

**Present :- Mr. Imran A. Ali, Advocate
for the petitioners in both cases.**

**Mr. Priyavrat Parashar, Advocate
for the respondent(s) in both cases.**

PANKAJ JAIN, J. (ORAL)

These are two petitions whereby the petitioners have laid challenge to orders of even date i.e. 10.05.2019 (Annexure P-5), whereby application filed by the petitioners seeking permission to lead additional evidence has been declined.

2. The factual matrix of the case that needs to be noticed herein is that the present proceedings are borne out of the complaints filed by the respondent under Section 138 of the Negotiable Instruments Act.

3. The petitioners herein were summoned on 02.05.2018. The application seeking exemption was moved on behalf of accused No.3,

which was allowed. Accused No.2 tendered document in defence and the same was exhibited as Ex.DW/A. The matter was thereafter adjourned to 17.05.2018 for defence evidence. On the said date i.e. 17.05.2018, neither of the accuseds was present. However, the application as moved seeking exemption from presence for that date. Trial Court though allowed the exemption application, but closed the defence evidence by order.

4. Later the present application was moved to lead evidence which stands dismissed vide impugned order. Today, counsel for the respondent submits that he has instructions to submit that one effective opportunity be granted to the petitioners to lead entire evidence in defence as he being complainant does not want the trial to be delayed further.

5. Counsel for the petitioners has accepted the offer made by counsel for the respondent.

6. In view of the statements suffered by counsel for the parties, the impugned order dated 10.05.2019 (Annexure P-5) is set aside. One opportunity is granted to the petitioners to lead entire defence evidence. Complaints are now stated to be fixed for 26.09.2022.

7. The parties are directed to appear before trial Court on the next date i.e. 26.09.2022. On that date, the petitioners shall lead entire evidence in defence subject to payment of Rs.25,000/- to the petitioners in each complaint. Needless to say in case the petitioners fail to lead evidence on the said date, the present petitions shall be deemed to have been dismissed and no further application shall be granted to the petitioners to lead evidence.

8. Both the petitions stand disposed off, accordingly.

05.09.2022
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No