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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3075-2022 (O&M)

Date of Decision:03.08.2022

M/s G.C. Industries & Anr.

.. Petitioners

Vs.

Ram Lall Kapoor & Sons and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dhruv Chowfla, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

CM-9383-CII-2022

Application is allowed, as prayed for.

CR-3075-2022 (O&M)

Petitioners are aggrieved against the impugned order dated 04.04.2022 (Annexure P-3) passed by the Civil Judge, (Jr. Divn.), Chandigarh, whereby their defence evidence was closed by Court order.

Learned counsel for the petitioners has argued that the respondents/plaintiffs filed a suit for recovery against petitioners/defendants in the year 2017 and their evidence was concluded on 13.12.2019, but thereafter for the first time, the case was fixed for defendants' evidence on 10.01.2020. He submits that as there was breakout of pandemic COVID-19, most of the opportunities granted to the defendants to lead evidence were in fact, ineffective and the defendants have examined only one witness, namely, Chander Shekhar, whose cross-examination is also incomplete. He submits that the defendants/petitioners wish to examine only two witnesses and in case, they are allowed one opportunity, no prejudice would be caused

to the other side. He prays for setting aside the order dated 04.04.2022 (Annexure P-3).

Heard.

In view of the limited relief prayed for by the petitioners/defendants, this Court is not inclined to issue notice to the other side, as it may cause unnecessary burden upon them. However, it shall be open for them to seek recalling of this order, in case, they feel that the petitioners/defendants have not approached this Court with clean hands.

After hearing the learned counsel and considering the above background, particularly the nature of the suit, this Court is of the opinion that the petitioners deserve one effective opportunity for adducing their entire evidence and of course, the respondents/plaintiffs shall be getting an opportunity to cross-examine the witnesses.

Resultantly, the impugned order dated 04.04.2022 (Annexure P-3) is set aside, and it is directed that one effective opportunity be given to the petitioners/defendants to examine the witnesses either on the date fixed or on any other date fixed by the trial Court.

Disposed of.

03.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No