

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

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**CR-2735 of 2022(O&M)
Date of decision: 26.07.2022**

M/s Bectors Foods Specilities Ltd.

..Petitioner

Versus

M/s A.N.Traders Pvt. Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is the plaintiff in a suit for recovery of Rs.9,57,906/- along with interest.

The trial court has struck off the examination-in-chief of Sh. Dharambir and closed the evidence of the plaintiff on the ground that the suit is more than 5 years old. It has been explained that initially Sh. Devesh Kumar Gautam was authorised to represent the plaintiff-company, however, he resigned from the company. Thereafter, Sh. Dharambir Kashyap was authorised to represent the plaintiff-company. On 27.02.2019, he appeared in evidence and his examination-in-chief was completed, however, cross-examination was deferred to next hearing. Thereafter, on account of various reasons, Sh. Dharambir Kashyap could not be cross-examined by the defendants. For a period of nearly 2 years, due to restricted functioning of the courts in the wake of the Covid-19 pandemic, the Courts adjourned the cases by the administrative orders. After re-opening of the Courts, the case was adjourned to 01.11.2021 and the court after taking notice of the fact that Sh. Dharambir Kashyap was not present in the Court, adjourned the case to 21.01.2022. On 21.01.2022, the case was adjourned as the Presiding Judge was not holding the court after having been detected Covid positive.

Thereafter the courts passed the impugned order striking off the examination-in-chief as well as closing the plaintiff's evidence.

In the peculiar facts of the case, this court is of the considered view that the plaintiff deserves one more opportunity to produce his entire evidence.

Let this opportunity be granted to the plaintiff, subject to the payment of costs of Rs.5,000/-.

The revision petition is disposed of. Since the order has been passed without issuing any notice, the respondent will have the liberty to file an application, if the facts are otherwise.

All the pending miscellaneous applications, if any, are also disposed of.

July 26th, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*