

Advanced Nutrients India Private Limited

....Petitioner

versus

Balvindra Medical Hall

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Yashasvi Kapila, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Revision petition herein is for quashing impugned order dated 19.12.2022 (Annexure P-10) passed by learned Additional Civil Judge (Senior Division), Safidon, District Jind in case i.e., CA-448-2022 titled "Balvindra Medical Hall vs. Advanced Nutrients India Pvt. Ltd." whereby chemical analysis of an expired product by the Regional Drugs Testing Laboratory, Chandigarh has been ordered, on a request made by plaintiff-respondent.

2. Learned counsel for the petitioner-defendant contends that in a Civil Suit for recovery of Rs.15,99,367.50, on a request made by the respondent-plaintiff, learned trial Court vide impugned order dated 19.12.2022 (Annexure P-10) has ordered chemical analysis of expired bag of Advanced Chlortetracycline(CTC), in a very mechanical way and without application of mind.

3. I have heard learned counsel for the petitioner and perused the record.

4. Having gone through the impugned order, I find no grounds to interfere in the same as valid and cogent reasons have been recorded for rejecting the contentions on two counts; (i) Chemical being not kept in strict conditions in

which it is to be stored; and (ii) Chemical having expired could not be sent for examination in the laboratory as its expiration would necessarily result in wrong report.

5. The aforesaid contentions are only being recorded so that no prejudice is caused to either side. Revision petition is disposed of with liberty to the petitioner-defendant to raise these objections once report of chemical analysis is received. Both the objections are kept open to be decided by learned trial Court. No prejudice would be caused to the petitioner-defendant, if chemical in question is sent for its laboratory verification as entire costs and efforts *qua* same are to be borne/ undertaken by plaintiff-respondent.

6. Disposed of, accordingly.

7. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

February 22, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No