

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

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CRM-M-11742-2023

Date of Decision: March 09, 2023

M/s KSM Spinning Mills Ltd. and others

.....Petitioner(s)

Vs.

M/s Indian Acrylics Ltd.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Sharma, Advocate for the petitioner.

ANOOP CHITKARA J. (ORAL)

The present petition has been filed seeking issuance of directions to the trial Court to grant effective opportunity to the petitioner for leading the defence evidence by way of summoning the witnesses in complaint No. NACT/5908 of 2015 dated 26.10.2015.

2. Counsel for the petitioner submits that witness was summoned in defence evidence but due to non-examination of witness, on 01.03.2023 petitioner defence evidence was closed. He submits that he wants to bring on record, record of the fact that the company was before NCLT and affairs of the company was in the control of the Resolution Professional, as per the order of NCLT. Counsel for the petitioner further states at bar that impugned order vide which the defence evidence was closed on 01.03.2023 is yet to be uploaded. He further submits that the matter is listed today for final hearing before the trial Court.

3. Given the nature of the order, this Court proposes to pass, no response from the respondent is required because no *prime facie* prejudice is to be caused to them.

4. In the entirety of facts and circumstances of the case, petitioners are permitted to lead defence evidence subject to the condition that they shall lead all evidence if any in one opportunity. Trial Court is directed to fix case again for defence evidence, if any and summons of witnesses be given *dasti* to the

petitioner. In the meantime, petitioners shall handover the downloaded copy of this order and bring it to the notice of concerned Resolution Professional, who shall either himself appear before the trial Court or handover photocopies of the requisite records to the accused-petitioner. It is clarified that no second opportunity shall be granted to petitioners to lead their evidence. Trial Court is requested to give at least 10 days time to do the needful to the petitioners and adjourned the matter atleast after 20.03.2023. Order, if any, vide which defence evidence was closed, stands set aside.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

March 09, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No