

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-5482-2019

Date of Decision : 31.10.2023

M/s Crown Realtech Pvt. Ltd.

.....Petitioner

Versus

M/s Haryana Coating Pvt. Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Rahul Vohra, Advocate for
Mr. Aditya Jain, Advocate for the petitioner.

Mr. Arjun Kundra, Advocate
for the respondent.

NAMIT KUMAR, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 13.02.2019 passed by the Chairman, Permanent Lok Adalat, Public Utility Services, Faridabad, whereby the evidence of petitioner has been closed by order.

2. Briefly stated the facts relevant for disposal of the present petition are that the respondent/claimant has filed an application under Section 22-C of the Legal Services Authority Act, 1987 for issuing necessary directions to the petitioner to handover the actual physical possession of the allotted Unit No.222, Second Floor in 'Abacus Techno Park' measuring 2267.16 sq. ft. (Super Area) situated at 12/4, Delhi Mathura Road, 22 KM Stone, Near Sarai Khawajanh-2, Faridabad and to pay the delay penalty interest of Rs.1,10,665/- PM w.e.f. 01.04.2023 to till date of possession along with penal interest, penalty and

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compensation. Upon Notice, the petitioner appeared and filed his reply. However, after availing several opportunities, the petitioner has failed to lead any evidence and his evidence has been closed vide impugned order dated 13.02.2019 passed by the Chairman, Permanent Lok Adalat, Public Utility Services, Faridabad.

2. Learned counsel for the petitioner submits that on 30.01.2019, contention of learned counsel for the petitioner was appreciated by the Permanent Lok Adalat (Public Utility Services) that the witness had fallen down and sustained injuries. Medical certificate in respect of injuries sustained by the witness was ordered to be produced on the next date i.e. 13.02.2019 with an undertaking that no further opportunity shall be granted. On 13.02.2019, the petitioner had to come to Chandigarh for the purposes of appearing in some medical examination. Medical certificate issued by Government Hospital is ready with him and he can produce the same in the Court. No prejudice would be caused to the respondent/claimant by giving one opportunity to the petitioner to conclude his evidence. He is also ready to pay adequate cost(s) for any omission on his part for the delay.

4. On the other hand, learned counsel for the respondent/claimant submits that he has no objection if the present revision petition is allowed and one more opportunity is granted to the petitioner to conclude his evidence subject to payment of some reasonable costs and Permanent Lok Adalat may be directed to decide the claim of the respondent/claimant at the earliest.

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5. I have heard learned counsel for the parties and perused the relevant documents.
6. Keeping in view the above factual position, it would be appropriate to grant one opportunity to the petitioner to conclude his evidence. Consequently, the order dated 13.02.2019 passed by the Chairman, Permanent Lok Adalat, Public Utility Services, Faridabad is set aside and the petitioner is granted one more opportunity to conclude his evidence subject to payment of Rs.10,000/- as costs to be paid to the respondent on the next date of hearing before the Permanent Lok Adalat.
5. The instant revision petition is allowed in the abovesaid terms.

31.10.2023

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No