

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

CR-4151-2022 (O&M)

Date of Decision : 01.03.2023

M/s Sh. Dhanwantri Herbals & Anr.

....Petitioners

VERSUS

Quick Heal Anti Virus Server & Others.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kushagra Mahajan, Advocate for the petitioners.

Mr. Akhilesh Vyas, Advocate for respondent Nos. 1 and 2.

-.-

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 30.08.2022 whereby the evidence of the plaintiff-petitioners has been closed by order.

Learned counsel for the plaintiff-petitioners states that PW-1 Dr. Ravi Shankar has been examined-in-chief and partly cross-examined; PW-2 has been examined-in-chief, PW3 Gaurav Arora, has been fully examined; PW-4 Rakesh Sharma, Accountant has been examined-in-chief and PW-5 Deepak Joshi, System Operator has been examined-in-chief. He therefore prays that one effective opportunity may be granted to him and he would produce PW-1, PW-2, PW-4 and PW-5 for their cross-examination on the next date of hearing, at his own risk and responsibility. Learned counsel further states that the plaintiff-petitioners are ready to compensate the defendant-respondents by way of costs.

Per contra, learned counsel for defendant-respondent Nos.1 and 2 has contended that 24 effective opportunities have already been availed and the plaintiff-petitioners failed to conclude his evidence and therefore no interference is called for in the order dated 30.08.2022.

Heard.

In the present case, no doubt the plaintiff-petitioners have been negligent in not producing their witnesses and 24 effective opportunities have been availed. However, keeping in view the fact that the present case is a suit for recovery and in order to impart complete justice between the parties, one effective opportunity is granted to the plaintiff-petitioners to produce PW-1, PW-2, PW-4 and PW-5 for their cross-examination at their own risk and responsibility on the next date of hearing before the Court below subject to payment of Rs.30,000/- as costs to be paid to the contesting defendant-respondent Nos.1 and 2 herein. It is made clear no further evidence besides as mentioned above shall be allowed to be led.

In view of the above, the present petition is disposed off accordingly. Pending applications, if any, also stand disposed off.

March 01, 2023
tripti

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO