

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

121

**CR-5845-2022 (O&M)
Date of decision: 09.01.2023**

**M/s Dikhsa Computers thr. its Managing Partner Sh. Amit Nanda
and another**

..Petitioner (s)

Versus

M/s Goraya Estates Pvt. Ltd. thr. its Director Sh. BS Gill

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. ADS Jattana, Advocate for the petitioners.

**NIDHI GUPTA, J (Oral)
CM No.18501-CII of 2022**

For the reasons stated in the application, same is allowed and
the main case is taken on board today itself.

Main Case

Prayer in this Revision Petition is for setting aside order
dated 22.11.2022 passed by the learned Civil Judge, Junior Division,
Chandigarh vide which the evidence of the defendant-petitioners has been
closed by order.

Learned counsel for the petitioners refers to Annexure P5 to
submit that respondent had been given 28 opportunities to lead his
evidence and petitioners were given only 4 opportunities. He further states
that though the petitioners had prepared their evidence by way of affidavit
and the same was ready for filing on 22.11.2022 yet, once the trial Court
had passed the impugned order it did not take the affidavit on record. At
the very outset, learned counsel submits that one effective opportunity
may be granted to the petitioners to submit their affidavit in evidence, as
grave injustice will be caused to them if they are not permitted to do so.

After hearing learned counsel for the petitioners, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioners, this petition is allowed and impugned order dated 22.11.2022 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioners to lead their evidence, however subject to payment of Rs.5000/- as costs to the plaintiff-respondent.

Disposed of as above. Pending application, if any, also stands disposed of.

09.01.2023

ashok

Whether speaking/reasoned : Yes/No

**(NIDHI GUPTA)
JUDGE**

Whether reportable : Yes/No