

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.6743 of 2023
Date of Decision: 09.11.2023

M/S. C.K. Textiles

...Petitioner

Versus

M/S. 4 You Casual

...Respondent

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. A.D.S. Sukhija, Advocate
 for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order (Annexure P-1) passed by learned Civil Judge (Junior Division), Ludhiana (for short 'the trial Court') on 27.07.2023 in Civil Suit No.2893 of 2017 titled as '***M/S CK Textiles vs. M/s 4 You Casual***', whereby the evidence of the petitioner-plaintiff (for short 'the plaintiff') has been closed and also the order (Annexure P-2) handed down by the trial Court on 17.10.2023, dismissing the application moved by it (plaintiff) to recall the order Annexure P-1, the plaintiff has preferred the instant revision petition to lay challenge to the same.

2. I have heard learned counsel for the petitioner-plaintiff in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioner-plaintiff contends that on 23.08.2022, Karan Beer Singh had appeared in the witness-box as PW-1 in

the above-referred Civil Suit and his examination-in-chief had been recorded and thereafter, he again appeared in the Court on 16.02.2023 but his cross-examination was deferred at the request of the respondent-defendant (for short 'the defendant')/its counsel and thus, the plaintiff was not at fault in not concluding its evidence well in time and it being so, the impugned orders are not legally sustainable and therefore, the same deserve to be set-aside.

4. However, I do not find any force in the afore-raised contention because as mentioned in the impugned order Annexure P-2, the issues were framed in March, 2018 and the Suit had been adjourned for recording the evidence of the plaintiff but however, the plaintiff has not placed the orders passed by the trial Court since the framing of the issues up to 23.08.2022, on the record and has annexed only the orders, pertaining to the period from 23.08.2022 to 07.07.2023, with this petition as P-3 and a bare perusal thereof reveals that besides both the above-said dates when its (plaintiff's) witness had appeared before the trial Court, the plaintiff had been afforded as many as 7 (seven) opportunities even during this spell and another one on 27.07.2023, to lead its evidence but it had failed to conclude the same. In these circumstance, it becomes quite explicit that the plaintiff has been granted more than sufficient opportunities for the afore-said purpose and hence, its evidence has rightly been closed by the trial Court vide order Annexure P-1 and the application, moved by the plaintiff for recalling this order, has also been correctly dismissed vide the order Annexure P-2.

5. As a sequel to the fore-going discussion, it follows that the impugned orders do not suffer from any illegality, infirmity, irregularity or

perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

09.11.2023

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(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: Yes