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2023:PHHC:147056

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

CR-6947-2023

Date of decision: 20.11.2023

M/s Lovable Lingerie Limited and another

.... Petitioners

Versus

M/s Superfine Knitters Limited and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sanjay Kumar, Advocate, for the petitioners.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 25.10.2023 passed by learned Civil Judge (Junior Division), Ludhiana, whereby the evidence of the petitioners and proforma respondents has been closed by order.

2. The brief facts, as culled out from the petition, are that the respondent-plaintiff i.e. M/s Superfine Knitters Limited filed a civil suit for recovery of Rs.8,70,470/- against the petitioners-defendants. The petitioners-defendants appeared and filed written statement. Issues were framed. The respondent-plaintiff led the evidence and his evidence was closed by order. Thereafter, the case was fixed for the evidence of petitioners. Since they

could not adduce their evidence, the trial Court vide order dated 25.10.2023, closed their evidence and now, the case is fixed for arguments on 22.11.2023.

3. It is submitted that the petitioners-defendants wants to examine only one witness, who is an employee of the Company. By way of present petition, the petitioners-defendants are seeking one more effective opportunity to examine their witness.

4. Learned counsel for the petitioners submits that the petitioners-defendants would be satisfied if one opportunity is granted to them to examine their witness and they would not seek any other opportunity to lead evidence.

5. I have heard the submissions of learned counsel for the petitioners and have gone through the paper book.

6. Keeping in view the fact that the procedure is handmaid to the administration of justice and it is meant for advancement of justice; the petitioners should not be non-suited merely on procedural technicalities.

7. If notice of this petition is given to the respondent-plaintiff, then it may linger on the case and may cause financial burden on him.

8. So, in the interest of justice, present petition is disposed of with a direction to the trial Court to give one opportunity to the petitioners-defendants to examine their witness but subject to payment of costs of Rs.10,000/- to the respondent No.1-plaintiff. The said witness shall be brought by the petitioners-defendants at their own responsibility on the date fixed i.e. 22.11.2023 and if for any reason, said witness is not examined on

the said date, then the said witness be examined on the next date to be fixed by the trial Court.

9. If the respondent-plaintiff is not satisfied with this order, he can move an application for recalling of this order within 30 days.

(GURBIR SINGH)
JUDGE

November 20, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No