

126.

2023:PHHC:153402

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

CR-7192-2023

Date of decision: 30.11.2023

M/S RAJINDER EARTHMOVER FILLING STATION PVT. LTD. AND
ANR

.... Petitioners

Versus

A2Z WASTE MANAGEMENT (LUDHIANA) LTD. AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. S.P. Soi, 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 issuance of direction to the trial Court to decide the application filed by the petitioners-plaintiffs for leading rebuttal evidence on issues No.3 and 4 in a time bound manner.

2. Briefly stated, the petitioners-plaintiffs filed a suit for recovery of Rs.5,50,80,000/- against the respondents-defendants in the year 2016 under the Commercial Courts Act before the Court at Ludhiana. Defendants No.1 to 5 appeared and contested the suit and other defendants proceeded against ex-parte. Issues were framed on 21.05.2022. Both the parties led their respective evidence and after completion of evidence of defendants, the plaintiffs moved an application dated 15.01.2023 (Annexure P-3) on

15.07.2023 for leading rebuttal evidence on issues No.3 and 4. Reply to said application was filed on 29.07.2023.

3. It is contended that said application (Annexure P-3) is not being decided despite the fact that reply thereto has been filed by the defendants, but the trial Court is adjourning the case for filing reply to said application.

4. It is submitted that the petitioners would be satisfied if their application is decided in a time bound manner.

5. Having heard learned counsel for the petitioners, the present petition is disposed of with a direction to the trial Court to decide the application dated 15.01.2023 (Annexure P-3) of the petitioners expeditiously preferably within a period of one month, in accordance with law.

(GURBIR SINGH)
JUDGE

November 30, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No