



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119

CR No.2852 of 2024 (O&M)
Date of Decision : 28.05.2024

M/s Star Track Fastners Pvt. Ltd

....Petitioner

VERSUS

Anil Kumar Jain

....Respondent

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raj Kumar Chandana, Advocate for the petitioner.

Mr. Ketan Antil, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 19.04.2024 whereby the evidence of the plaintiff-petitioner has been closed.
2. Learned counsel for the plaintiff-petitioner would contend that due to pre-occupation of the counsel the witness could not be examined on 19.04.2024. Learned counsel for the plaintiff-petitioner would further contend that only Anil Kumar needs to be examined and given one effective opportunity the plaintiff-petitioner would conclude its evidence at its own risk and responsibility.
3. *Per contra* learned counsel for the defendant-respondent would contend that despite availing 08 effective opportunities, including 03 last opportunities and despite costs being imposed, the evidence was not led by

the plaintiff-petitioner and hence the order dated 19.04.2024 has rightly been passed.

4. Heard.

5. In the present case the plaintiff-petitioner no doubt did not lead its evidence despite numerous opportunities, however, it has been contended by learned counsel for the plaintiff-petitioner that due to pre-occupation of the counsel the evidence could not be recorded. It has further been contended that given one effective opportunity the evidence would be led by the plaintiff-petitioner at its own risk and responsibility. In order to do complete justice between the parties, the impugned order dated 19.04.2024 is set aside. The plaintiff-petitioner is granted one effective opportunity to lead its evidence, subject to payment of Rs.30,000/- as costs to be paid to the defendant-respondent, which shall be a condition precedent.

6. The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

28.05.2024
jk

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