



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

134

CR-4191-2024 (O&M)
Date of decision: 30.07.2024

M/s Mangla Advisory Private Ltd. and another

...Petitioners

Versus

Vijay Chander Bedi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. B.K. Mishra, Advocate for the petitioners.

VIKAS SURI, J.(Oral)

1. The petitioners, who are defendants in a suit for eviction, have filed this petition under Article 227 of the Constitution of India praying for setting aside of order dated 05.07.2024 (Annexure P-18) passed by learned Civil Judge (Junior Division), Gurugram, whereby the evidence of the defendants has been closed by Court order.

2. Learned counsel for the petitioners has submitted that he seeks only one effective opportunity to examine witnesses No.1 to 3 mentioned in the list of witnesses (Annexure P-15). It is further submitted that defendant remains to be examined and would be examined at his own responsibility whereas for production of witnesses No.2 and 3 the process of Court is necessitated being record keepers along with concerned record. It is further submitted that the plaintiffs can be compensated for the inconvenience caused.



3. At this stage, Mr. Deepam Ragav, Advocate, has entered appearance on behalf of the respondents and has filed his memo of appearance in the Court, which is taken on record. He submits that the conduct of the petitioners would demonstrate that they only want to delay the proceedings and resultantly, culmination of the trial. Reference is made to the conduct of the petitioners noticed in the impugned order. He, however, submits that previously costs of Rs.26,145/- has already been imposed upon the defendant-petitioners for delaying the proceedings and they were proceeded against *ex parte* vide order dated 12.03.2024. The said *ex parte* proceedings were set aside vide order dated 04.04.2024 taking a lenient view. The respondents are primarily aggrieved by the dilatory tactics being adopted by the defendant petitioners. Learned counsel for the parties inform that the proceedings are pending for 03.08.2024 for final arguments.

4. Learned counsel for the petitioner submits that the apprehension of the plaintiff-respondents is unfounded and the defendant-petitioners undertake not to seek an adjournment for the purpose of examining the aforesaid witnesses.

5. Heard learned counsel for the parties and with their able assistance, perused the record.

6. In view of the consensus arrived at between learned counsel for the parties, during the course of hearing, the present revision petition is disposed of with the following directions:-

- i. the impugned order dated 05.07.2024 is partly set



aside inasmuch as the evidence of the defendants has been closed by Court order subject to payment of costs assessed at Rs.50,000/- payable to the plaintiff-respondents.

- ii. the defendant would examine himself on the next date of hearing, as may be fixed by the Court below after the one already fixed i.e. 03.08.2024.
- iii. The petitioners would be entitled seek assistance of the Court to summon witnesses No.2 and 3 along with the detailed record.
- iv. The responsibility of service of the summons issued to the aforesaid witnesses shall rest solely upon defendant-petitioners and failing to effect service would not be a ground to re-issue the summons. However, in case despite service, the witnesses do not appear or do not produce the summoned record, the Court would ensure compliance, in accordance with law.
- v. Needless to observe that in case petitioners fail to comply with aforesaid, the relief granted herein shall cease to exist.
- vi. The trial Court would proceed in a time bound manner and dispose of the suit expeditiously.

July 30, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No