

2024:PHHC:062162

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

CR-5010-2019 (O&M)
Date of decision: 06.05.2024

M/s Axillant Infrastructures Pvt. Ltd. and another

....Petitioners

Versus

Sant Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aditya Jain and
Mr. Rahul Vohra, Advocate for the petitioners

Mr.S.K.Pawar,
Mr. Ravi Malik,
Mr. Sudhir Aggarwal and
Mr. Ishan Aggarwal, Advocates for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. A civil suit filed by Sh.Sant Ram for the grant of decree of declaration with consequential relief of permanent injunction against the petitioner (defendant no.1) and others is pending before the trial court. The defendant-Company examined DW1-Akhil Kumar as its representative. However, when the defendant-Company wanted to examine DW2 Sh.Om Parkash, the court did not permit on the ground that the plaintiff wishes to fill in the lacuna left by the examination of DW1 Sh.Akhil Kumar. The court has not observed that the evidence of DW2 Sh.Om Parkash is not relevant. The defendant, in order to prove its case, can produce documentary as well as oral evidence, which is relevant for the decision of the case. The attention of the Court has not

been drawn to any provision, which debars the defendant to examine more than one witness in its favour.

2. Keeping in view the aforesaid facts, the impugned order is set aside. The trial court is directed to permit examination of DW2 Sh.Om Parkash in evidence of defendant no.1

3. The petition stands allowed.

4. All the pending miscellaneous applications, if any, are also disposed of.

06.05.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE