



CR-6883-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6883-2024

Date of decision : 27.11.2024

M/s Amar Service Station and another

... Petitioners

Versus

Mohali Petrochem Limited

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kiran Kumar Madan, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 13.11.2024 passed by the Additional Civil Judge (Sr.Div.), Chandigarh, vide which the evidence of the petitioner (defendant) was closed by Court order.

2. Learned counsel for the petitioners has submitted that although the petitioners did not pursue the present proceedings diligently but has submitted that after the petitioners were granted the opportunity to lead evidence on 20.08.2024 and the matter was adjourned to 10.09.2024, on which date petitioner no.2 had got himself examined in chief and his further cross-examination was deferred. It is submitted that on the next date, there was no Work Day, and thus, the matter was adjourned to 13.11.2024, on which date the impugned order was passed. It is submitted that petitioner

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no.2 was not well and has referred to the medical prescription dated 13.11.2024 (Annexure P-3) to state that it was on account of the said reason, he did not appear before the trial Court for his evidence. It is submitted that DW1 is the only witness which the petitioners wish to produce and his cross-examination has already been partly conducted and in case his cross-examination is not conducted in full, then, the petitioners would suffer irreparable loss. It is further submitted that for the delay caused in the proceedings, the petitioners are ready to adequately compensate the respondent.

3. Keeping in view the abovesaid facts and circumstances, the present petition is partly allowed and the impugned order dated 13.11.2024 is set aside to the extent that the evidence of the petitioners has been closed by Court order, with the following directions:-

- i) The petitioners would deposit an amount of Rs.30,000/- within a period of five days from today. On depositing the said amount, the same would be released to the plaintiff by the trial Court.
- ii) The petitioners would be granted one last opportunity to get DW-1 cross-examined on the date to be given by the trial Court.

4. It is made clear that in case the above said amount is not deposited within five days from today or petitioner no.2 does not present himself on the date given by the trial Court, then, the present petition would be deemed to have been dismissed.



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5. In the present case, no notice is being issued to the respondent as issuance of any notice to him would further delay the proceedings in the suit and would also entail expenses for the respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling of the present order in case, any of the statement made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

November 27, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No