



CR-666-2025 (O & M)

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

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**CR-666-2025 (O & M)
Date of decision:13.02.2025**

**M/S BHARAT PESTICIDES AND BEEJ BHANDAR AND ANR
...PETITIONERS**

VS.

GHARDA CHEMICAL LTD

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Pallavi Babbar, Advocate
for the petitioners.

SUVIR SEHGAL J. (ORAL)

CM-2622-CII-2025

1. Application is allowed as prayed for.
2. Interim orders passed by the Trial Court from 05.11.2022 to 16.01.2025 are taken on record as Annexures P-7, collectively.

Main Case

3. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 17.12.2024, Annexure P-6, passed by the learned Additional Civil Judge (Senior Division), Karnal, whereby evidence of petitioners/defendants has been closed by order.

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4. Counsel for the petitioners states that a suit for recovery of Rs.63,75,000/- alongwith future interest has been filed by the respondent/plaintiff under Order 37 Rule 1 CPC and on an application moved by them, petitioners/defendants were granted leave to defend the suit on 14.01.2019. She submits that issues were framed on 29.08.2019 and after the plaintiff concluded its evidence on 26.10.2022, trial was fixed for evidence by the petitioners/defendants. She submits that DW-1 stepped into the witness box on 19.01.2023 and he was cross-examined on 28.03.2023. An application was filed by the defendants, on the same day, for examination of 07 witnesses, however, that application remained pending. It was accepted by order passed on 27.09.2024 and the petitioners/defendants were permitted to examine two witnesses. By referring to the interim orders passed by the Trial Court, she states that summons were issued to both the witnesses but before they could not be served, Trial Court by the impugned order closed the evidence of the defendants. Counsel submits that as the suit is for recovery of a huge amount, petitioners/defendants may be given one opportunity to produce both the witnesses as well as tender some documents at their own risk and cost.

5. Having heard counsel for the petitioner, considering the nature of the controversy involved and in view of the order proposed to be passed, this Court does not deem it necessary to call upon the respondent. Concededly, some opportunities were given to the petitioners to lead their evidence, however, on most of the occasions, the



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suit was adjourned as arguments were not addressed on the application for summoning witnesses. It is also a matter of record that two witnesses, who were ordered to be summoned, were never served and the Trial Court proceeded to close the evidence of the petitioners/defendants. This Court is of the view that case is made out for grant of an opportunity to the petitioners to conclude the evidence.

6. Accordingly, impugned order dated 17.12.2024, Annexure P-6, is set aside. Petitioners/defendants are given one opportunity to produce both the summoned witnesses as well as to tender any documents they deem necessary. For this purpose, petitioners will appear before the Trial Court on 22.02.2025, on which date Trial Court would adjourn the proceedings and grant one opportunity to the petitioners/defendants to produce both the summoned witnesses at their own risk and cost as well as to tender any other document in evidence. The grant of opportunity would be subject to deposit of cost, which will be a pre-condition, of Rs.25,000/- with Day Care Centre For Elderly Disabled in home for Old & Destitute People, Sector 15, Chandigarh.

7. Revision petition is disposed off.

13.02.2025
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No