

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

2025:PHHC:109453



**CR-5424-2025 (O&M)  
DATE OF DECISION : 20.08.2025**

**M/S SHIVALIK AUTO ENGINEERING PVT LTD  
... PETITIONER  
V/S  
PAWAN ... RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Vikram Singh Punia, Advocate and  
Mr. Amit Siwach, Advocate for the petitioner.

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**PARMOD GOYAL, J. (ORAL)**

Aggrieved by the impugned order (Annexure P-5) dated 09.07.2025, petitioner - employer has preferred present revision petition. Vide the impugned order dated 09.07.2025, the learned Presiding Officer, Commissioner under Employees Compensation Act, 1923, Circle IV Gurgaon had rejected the application for recalling the order dated 06.11.2024 passed against petitioner whereby petitioner's evidence was closed.

2. Petitioner had sought recalling of order dated 06.11.2024 vide which petitioner's evidence was closed. After closure of respondent - employer's evidence petitioner-employer had claimed that its two witnesses namely Munna Singh could not be examined as he was away to Bihar for Chat Puja and another witness Anup Dixit, Admin Officer could not appear on account of foot fracture. He accordingly, sought recalling of order dated 06.11.2024 on the plea that the application was opposed by applicant-

employee. However, learned authority below after considering respective contentions noted that respondent has already availed 08 opportunities to lead respondent's evidence and after due opportunities evidence was closed on 06.11.2024 as respondent had failed to adduce evidence. The learned Authority below has further noticed that even on 06.11.2024, no application for adjournment on the ground that witnesses are not present as one of them was suffering fracture and other was out of station was made. Learned authority below has concluded that respondent is only trying to delay the matter. It was further noticed that petitioner has not placed any travelling information of Munna Singh or medical certificate of Anup Dixit justifying the reasons stated in his application for recall of order dated 06.11.2024. It has further noticed that on 26.09.2024 cost of Rs. 500/- was imposed upon respondent that has also not been paid by the respondent on 14.10.2024 and on 06.11.2024. It was on 06.11.2024 respondent evidence was closed for non-payment of costs and in view of fact that respondent has availed as many as 8 opportunities.

3. On consideration, the impugned order dated 09.07.2025, no interference with the orders passed by the authority below is warranted. The conclusion drawn by authority is based on material on record. Respondents have already availed 8 opportunities. He was duly put to notice on 26.09.2024 when the cost of Rs. 500/- was imposed. However, despite cost of Rs. 500/- on 26.09.2024, he had neither examined any witness on 14.10.2024 and 06.11.2024 nor had paid the cost imposed vide order dated 26.09.2024. It was for these reasons, the authority below was forced to close evidence of respondent. The reasons for closing evidence are self-created by

petitioner. Learned Authority has correctly noticed that no material has been placed to justify non-appearance of Munna Singh and Anup Dixit, the proposed witnesses, either before learned Authority below or even before this Court. No justification for absence of these 2 witnesses on 26.09.2024, 14.10.2024 and 06.11.2024 has been placed. The conclusion of learned Authority below that respondent is only trying to delay the matter, therefore, cannot be held to be erroneous.

4. No ground for interference is made out.
5. Petition is accordingly dismissed.

**20.08.2025**

Janki

**(PARMOD GOYAL)  
JUDGE**

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