

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

CR No.6591 of 2015 (O&M)

Date of decision: 06.10.2015

Ms. Shree Chamundeswari Sugars Ltd. and another

...Petitioners

versus

M/s Spray Engineering Devices Ltd.

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Suri, Advocate,
for the petitioners.

RITU BAHRI, J.

Notice of motion.

At this stage, Mr. Vinod Kumar, Advocate, puts in appearance on behalf of the respondent.

Challenge in this petition is to the order dated 28.09.2015 passed by the Civil Judge (Junior Division), Chandigarh, whereby evidence of the defendants-petitioners has been closed by order.

A perusal of the impugned order shows that Mr. Arun Kumar, Advocate, had appeared as counsel for the defendants-petitioners and on that date, he had sought an adjournment. Vide order dated 16.09.2015, the defendants were granted one last opportunity to examine two witnesses subject to payment of Rs.2000/- as costs. This opportunity was given keeping in view that the defendants (petitioners) had produced affidavits of two witnesses. However, the said adjournment was not granted on the ground of change of counsel. It was observed that the defendants were deliberately delaying the proceedings of the case.

The plaintiff-respondent has filed this suit for recovery of about Rs.1 crore from the defendants-petitioners. This suit was instituted in the year 2010. The defendants had been saddled with costs on two occasions. However, keeping in view that a final decision on the merits would be based on correct appreciation of evidence,

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide one last opportunity to the defendants-petitioners to complete their evidence.

In view of the above, the impugned order dated 28.09.2015 is set aside and one effective opportunity is granted to defendants-petitioners to examine DW-1 and DW-2 on 13.10.2015, the date already fixed before the trial Court, subject to costs of Rs.20,000/- to be paid to the plaintiff-respondent.

Allowed accordingly.

(RITU BAHRI)
JUDGE

06.10.2015
ajp