
(2001) 03 P&H CK 0172

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 672 of 2001 (O and M)

M/s Miri Ram Gian Chand

APPELLANT

Vs

M/s Jatindra Filling Station

RESPONDENT

Date of Decision : 08-03-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2, Order 43 Rule 1, 115

Citation : (2001) 03 P&H CK 0172

Hon'ble Judges : R.L. Anand, J

Bench : Single Bench

Advocate : Mr. R.K. Chhibbar and Mr. Anand Chhibbar, for the Appellant; Mr. S.K. Singla, Mr. Asa Ram and Mr. Ranjeet Malhotra, for the Respondent

Judgement

R.L. Anand, J.—In the trial Court an application under Order 39 Rules 1 and 2 C.P.C. filed by the plaintiff-respondent was dismissed. The plaintiff M/s Jatindra Filling Station filed an appeal under Order 43 Rule 1 C.P.C. before the Court of District Judge, Sangrur, who, vide the impugned order dated 1.2.2001 allowed the appeal as well as the application under Order 39 Rules 1 and 2 C.P.C. and it was directed that plaintiff shall conclude the evidence in the trial Court on or before the 30.5.2001. Directions were also given to the defendant-petitioners that during the pendency of the suit they shall not resite the petrol pump near 3 K.M. stone within the revenue limits of Lehra Khurd at Lehra-Dugalroad.

2. The defendants were not satisfied with the order of the first appellate Court and they filed two separate revisions i.e. C.R. No. 672 of 2001 M/s Miri Ram Gian Chand v. M/s Jatindra Filling Station and others and C.R. 1081 of 2001 Hindustan Petroleum Corporation Ltd. v. M/s Jatindra Filling Station and another, which I am disposing of with the present order.

3. In Civil Revision No. 672 of 2001 this Court issued notice of motion to the respondents and meanwhile, the operation of the impugned order was stayed. Subsequent events can always be taken notice of. After the issuance of the order

dated 7.2.2001, the petitioner M/s Miri Ram Gian Chand had closed the petrol pump at Sunam and he had started all operations at the resited pump. So much so at the resited pump the sale had also started with effect from 5.3.2001. While granting temporary injunction in favour of a litigant this Court has also to see the balance of convenience as well as irreparable injury. Since the petitioner M/s Miri Ram Gian Chand had started the sale of the petrol, diesel and mobil oil etc. at the new site, therefore, I have worked out a via media. The first appellate Court has already ordered the plaintiff-respondent to close the evidence by 30.5.2001.

4. Both the aforesaid revisions are hereby disposed of with the observation that the plaintiff shall conclude the entire evidence on or before the 31.5.2001. The defendants-petitioners shall close the evidence by all means positively on or before the 31.8.2001 and trial Court shall dispose of the suit on or before 15.9.2001. If the defendants do not close the evidence by 31.8.2001, the present revisions shall be deemed to have been dismissed for all intents and purposes. It will be obligatory on the part of the plaintiff to close the evidence by 31.5.2001, and if the plaintiff does not close the evidence by 31.5.200, the trial court will give three clear months to the defendants to close the evidence thereafter and the case shall be disposed of the within fifteen days from the date of the closure of the evidence. The parties through their counsel are directed to appear before the trial Court on 26.3.2001. The trial Court will frame the issues. Short dates shall be given to both the parties to lead the evidence so that the instructions of this Court are complied with, meticulously. Order dasti to both the parties.

5. Revision disposed of.