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

CR No.3265 of 2015

Date of decision: May 15, 2015

Nirmal Bajaj and another

.....Petitioners

Versus

Rajni Bajaj and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.K. Arya, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 27.10.2014, whereby cross-examination of PW1 to PW3 was treated as Nil.

Learned counsel for the petitioners has submitted that the witnesses PW1 to PW3 could not be cross-examined as the counsel for the petitioners was busy in another Court.

Respondents have filed suit for permanent injunction. Examination-in-chief of PW1 to PW3 was conducted on 10.08.2014. The cross-examination of the said witnesses was deferred at the request of the counsel for the petitioners. However, on the adjourned date, the witnesses were present, but they were not cross-examined by the petitioners and consequently, their cross-examination was treated as Nil. In case, the petitioners are not permitted to cross-examine the witnesses examined by the respondents,

they will go virtually undefended. In case, petitioners are permitted to cross-examine PW1 to PW3, the *lis* between the parties will be disposed of on merits.

Accordingly, this petition is disposed of with a direction that the trial Court shall afford one opportunity to the petitioners to enable them to cross-examine the witnesses PW1 to PW3, subject to payment of ₹25,000/- as costs. Costs be deposited with the Legal Service Authority. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

May 15, 2015
m.singh