

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3715 of 2015
Date of Decision: 28.5.2015.**

Vivek Tiwari

.....Petitioner

Versus

Ajay Ashok and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sudhir Aggarwal, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 21.3.2015 (Annexure P-1).

Learned counsel for the petitioner has submitted that DW-1 could not appear for his cross-examination as he had gone to Germany. The said witness has now returned to India. The case is listed before the Trial Court for 4.7.2015 and DW-1 will appear before the Trial Court on the said date for his cross-examination. The petitioner does not want to lead any other evidence except to appear in the witness box himself for the purposes of his cross-examination.

Respondent No. 1 has filed suit for damages. Petitioner had appeared in the witness box as DW-1 but could not be cross-examined as he had gone to Germany. Since now the petitioner has returned to India, it would be just and expedient to grant one

opportunity to the petitioner to enable him to conclude his evidence so that the *lis* between the parties can be disposed of on merits.

Accordingly, this petition is allowed. Impugned order dated 21.3.2015 (Annexure P-1) is set aside. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to appear in the witness box for the purposes of his cross-examination subject to payment of ₹ 5,000/- as costs. Costs be deposited with the District Legal Services Authority. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

May 28, 2015
Gurpreet