

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 4453 of 2014

Date of Decision: 30.04.2015

Surinder Wadhwa

.....Petitioner

Vs.

Krishna Kumari and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

Mr. Deepak Gilhotra, Advocate,
for the respondents.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 31.03.2014 and 17.04.2014.

Learned counsel for the petitioner has submitted that after closing the evidence, it transpired that cross-examination of PW-1 had not been conducted. In case, PW-1 (petitioner) is not allowed to be cross-examined, plaintiff-petitioner will suffer an irreparable loss.

Learned counsel for the respondents, on the other hand, has opposed the petition.

In the present case, plaintiff-petitioner was granted twenty five effective opportunities to enable him to conclude his evidence.

Although, petitioner had appeared in his examination-in-chief but his cross-examination was deferred at the request of the defendants'

counsel. In case, petitioner is not permitted to be cross-examined, he will suffer an irreparable loss. Petitioner has filed suit for specific performance of agreement to sale dated 22.01.2007. Moreover, the other side can be compensated with costs.

Accordingly, this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to appear for his cross-examination, subject to payment of ₹20,000/- as costs. Costs be disbursed to the defendants. Thereafter, trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

April 30, 2015
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