

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

C.R. No. 5668 of 2015 (O&M)

Date of decision:- 01.09.2015

M/s Milk Specialities Ltd.

...Petitioner

Versus

M/s Goyal Traders & anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. V.K. Sachdeva, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Plaintiff/Petitioner (for short 'petitioner') has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 11.08.2015 (Annexure P-1) passed by learned Civil Judge (Junior Division) Chandigarh, whereby the further examination of the petitioner's witnesses and further evidence of the petitioner has been closed.

I have heard learned counsel for the petitioner and perused the case file.

Learned counsel for the petitioner contends that the petitioner filed suit for recovery of Rs.8.40,480 against the respondents on 02.11.2012, the defendants filed their written statement in the year 2014 and thereafter, the petitioner filed replication on 29.11.2014 when the issues were framed. The petitioner tendered its evidence by way of affidavit on 04.04.2015 along with documents and the case was adjourned to 22.04.2015 for cross examination of the plaintiff witness since the said witness was not cross

examined. On 22.04.2015, the case was adjourned to 02.05.2015, which was again adjourned to 12.05.2015 and then to 07.07.2015. On enquiry by learned counsel for the plaintiff, he was informed that the case was listed on 08.07.2015 and has been further adjourned to 11.08.2015 for further cross examination, as the plaintiff's witness could not be present on 08.07.2015. Since on 11.08.2015, the witness of the petitioner could not come present for further cross examination, he requests for an adjournment but the impugned order was passed by holding that nine opportunities had been granted to the plaintiff.

Keeping in view the fact that after framing of the issues, the cross examination of the plaintiff had been partly conducted and it is not a case where he had deliberately delayed the proceedings of the trial Court, the instant revision petition is **allowed** and the trial court is directed to grant one more effective opportunity to the petitioner to conclude his evidence, subject to payment of Rs.5,000/- as cost to be deposited before the District State Legal Services Authority, Chandigarh.

Septemer 01, 2015
G Arora

(**RITU BAHRI**)
JUDGE