

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

**Civil Revision No.5762 of 2015 (O&M)
Date of decision: 04.09.2015**

M/s A.R. Transmissions Pvt. Ltd.

.....Petitioner

Versus

The National Small Industries Corporation Ltd. & others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Raj Kaushik, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the orders dated 01.07.2015 and 06.08.2015 (Annexures P-2 and P4) passed by the Civil Judge (Junior Division), Ludhiana, whereby application of the petitioner for conducting cross-examination of Rajesh Jain (PW-1) has been dismissed and his cross-examination has been treated as 'nil'.

A perusal of impugned order dated 06.08.2015 shows that examination-in-chief of Rajesh Jain (PW-1) was held on 06.03.2014. On 21.03.2014 the said witness was present in the Court, but could not be cross-examination. Thereafter, the case was adjourned to 17.04.2015 when this witness was present, but he was not cross-examined. Subsequently, an application to cross-examine the said witness was allowed subject to payment of Rs.500/-. On 01.07.2015 the witness was present in the Court throughout the day, but the defendant-petitioner did not avail of the opportunity to cross-examine him. Finally, the cross-examination of the witness was ordered to be treated as 'nil'. Thereafter, vide order dated

06.08.2015, the trial Court dismissed the application for to cross-examine Rajesh Jain (PW-1) as the case pertains to the year 2006 and there was not ground to further delay the proceedings of trial.

Learned counsel for the petitioner-defendant No.4 has informed the Court that after concluding the evidence of the plaintiff-respondent No.1, the trial is fixed for 08.09.2015 for recording the evidence of defendants.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide one last opportunity to the petitioner to complete the cross-examination of the aforesaid witness.

In view of the above, the impugned orders dated 01.07.2015 and 06.08.2015 are set aside and one last opportunity is granted to the petitioner to conduct cross-examination of Rajesh Jain (PW-1) on 08.09.2015, subject to payment of Rs.10,000/- as costs to the plaintiff-respondent No.1. It is made clear that no further adjournment shall be given by the trial Court for cross-examination of this witness.

Allowed accordingly.

Copy of this order be given to learned counsel for the petitioner under the signatures of Court Secretary of this Bench.

04.09.2015
ajp

(RITU BAHRI)
JUDGE