

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

**CR No. 7052 of 2014(O&M)
Date of decision: 18.02.2015**

Raj Pal and others

..... Petitioners

versus

Ram Singh and others

..... Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.S.Virk, Advocate
for the petitioners.

Mr. S.S.Ghangas, Advocate
for respondents No. 1 to 9 and 11, 12.

Rakesh Kumar Jain, J.(Oral)

The petitioner is aggrieved against the order dated
25.09.2014.

At the time of notice of motion, the following order was
passed:-

“On 22.8.2004, witness of the plaintiffs namely, Raj Pal tendered his affidavit in his examination-in-chief but his cross examination was deferred on the request of learned counsel for the defendants on the ground that copy of the affidavit was supplied to him on that date only. The Court closed the remaining evidence of the plaintiffs and fixed the case for 09.9.2014 for the cross examination of said Raj Pal. The case was, however, taken up on 06.9.2014 because on 09.9.2014 the Court was on leave and thus, the case was adjourned to 25.9.2014 for the same purpose.

On 25.9.2014, the case was taken up before lunch, but the proxy counsel appearing on behalf of the plaintiffs made a request that the Advocate could not come due to some reason and, therefore, on that date, the Court closed the evidence of the plaintiffs and fixed the case for 14.10.2014 for evidence of the defendants to be brought at their own responsibility.

After lunch, an application was filed by the proxy counsel for the plaintiffs for recalling of the order but the said application was dismissed.

Learned counsel for the petitioners submits that the Advocate who had to appear on their behalf had to come from Panipat, but he could not come because he had to attend to his father who is suffering from cancer.

Notice of motion for 03.11.2014.

In the meantime, the trial Court is directed to adjourn the case pending before it beyond a date given by this Court.”

On appearance, learned counsel for the respondents has submitted that the petitioner may be allowed only one opportunity to cross-examine the plaintiff only.

Learned counsel for the petitioner is fully satisfied with the statement of the respondent.

In view thereof, impugned order dated 25.09.2014 is set aside and the petitioner is granted only one more opportunity to cross examine the plaintiff subject to payment of ₹ 5,000/- as costs.

18th February, 2015
Shivani Kaushik

[Rakesh Kumar Jain]
JUDGE