

Civil Revision No. 103 of 2016(O&M)
Date of Decision: 20.1.2016

M/s Rattan Constructions Contractor

---Petitioner

versus

Union of India

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vivek Lamba, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition lays challenge to order dated 10.12.2015 (Annexure P-2) dismissing the application filed by the petitioner for recalling order dated 16.10.2015 vide which evidence of the respondent/plaintiff was closed and for giving one opportunity to the petitioner to further cross examine U.C. Sachdeva (PW) examined by the respondent-Union of India.

Counsel for the petitioner has submitted that there may be some lapse on the part of the petitioner or his counsel for his failure to conduct cross examination of U.C.Sachdeva well in time and on the dates he remained present in the Court for the purpose but a serious prejudice is likely to be caused to the petitioner in case, he is not allowed to conduct remaining cross examination of the witness, the only witness examined by the respondent/plaintiff. It is prayed that the petitioner may be provided

with

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one opportunity to conduct further cross examination of Sh. U.C.Sachdeva.

I have heard counsel for the petitioner and perused the records.

A plain reading of para 17 of the impugned order would evident that Sh. U.C.Sachdeva (PW) was present before the trial court on 4/5 occasions but his cross examination was not completed by counsel for the petitioner. As Sh. U.C.Sachdev is the only witness examined in the case and in case, the respondent is not provided an opportunity to conduct his remaining cross examination, it may cause prejudice to the rights of the petitioner to seek adjudication of the controversy on merits. It appears that the petitioner was not very serious and sincere in prosecuting the proceedings before the trial court but still keeping in view the interest of justice, the petitioner is provided with one opportunity to conduct remaining cross examination of Sh. U.C.Sachdeva subject to payment of costs of Rs. 15,000/- to be paid to the witness on his appearance in the Court.

With the aforesaid observations, the petition stands disposed of.

It would be pertinent to note that the petition has been disposed of without notice to the Union of India in order to avoid unnecessary inconvenience and expenses. However, the respondent shall be at liberty to file an appropriate application in case it has anything to say in the matter.

(Rekha Mittal)
Judge

20.1.2016
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