

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

CR No. 1106 of 2016

Date of decision :12.02.2016

M/s Tashu International and another

..... Petitioners

Versus

M/s Chauhan Crafts and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.A.K.Garg, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners contended that the petitioners have been debarred to cross-examine PW-1 Mohd. Shabbir, the proprietor of the plaintiffs concern. He contended that in-fact, on that day, counsel for the petitioners was busy in another Court when the case was called. He contended that the valuable rights of the petitioners will be prejudiced, if the petitioners are not granted the opportunity to cross-examine PW-1 Mohd. Shabbir.

2. I have gone through the paper book, which shows that PW-1 Mohd. Shabbir has earlier appeared on 29.10.2015. His cross-examination was started, but the same was deferred as the witness has not brought the relevant record. He again appeared in the witness box on 26.11.2015 along with record. But, on that date, as nobody was present on behalf of the defendants, the learned trial Court considered the

opportunity to cross-examine PW-1 Mohd. Shabbir as 'Nil'.

3. Learned counsel for the petitioners has produced on record the uncertified copy of the interim order dated 26.11.2015, which is contradictory to the record of the case. As in the first interim order passed on 26.11.2015, the presence of Mr. M.S.Moharana, Advocate, counsel for defendants no.1 and 2 have been recorded, but in the body of the order it is mentioned that no one appeared on behalf of the defendant to cross-examine the witness.

4. The valuable rights of the petitioners are involved in the present case. PW-1 Mohd. Shabbir is the proprietor of the plaintiffs concern. Depriving the petitioners to cross-examine this witness will certainly prejudice their rights.

5. So, in the interest of justice the present revision petition is hereby allowed directing the learned trial Court to grant one opportunity, on the date to be fixed by the learned trial Court, for the cross-examination of PW-1 Mohd. Shabbir, subject to payment of Rs.5000/- as costs.

12.02.2016

S.khan

(DARSHAN SINGH)
JUDGE