

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1702 of 2016

Date of Decision.04.03.2016

Sanjay Tyagi

.....Petitioner

Vs.

Ajay Tyagi and another

.....Respondents

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Ashok Kumar Jindal, Advocate
for the caveator-respondent.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The defendant has been denied an opportunity of cross-examination and he seeks for one more opportunity. The plaintiff-respondent takes notice through counsel and opposes any request for grant of opportunity on the plea that the suit has been filed 10 years back and the defendant is squatting on the property and comes up with one frivolous application or the other. His witnesses had been brought to Court on several occasions and the defendant had always been taking time.

2. The counsel appearing on behalf of the petitioner states that there is an application for amendment of the written statement which is pending and the Court has not passed any order. If the statement is allowed to be amended, the cross-examination of the

plaintiff or the witnesses will become meaningless for the amendment which is not yet allowed if it is ultimately allowed, it would require all the witnesses to be examined again.

3. Having regard to the manner in which the case is poised, I direct the trial Court to first pass an order on the amendment application. After orders are passed, it shall allow for the defendant to examine the witnesses of the plaintiff on payment of costs of ₹10,000/-. The costs shall be paid within a period of two weeks from the date of receipt of copy of the order. If the costs is not paid, the opportunity granted now through this order will stand withdrawn.

4. The impugned order is set aside and the revision petition is allowed on the above terms.

(K. KANNAN)
JUDGE

March 04, 2016
Pankaj*