

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

CR No. 1894 of 2016

Date of decision :14.03.2016

M/s P.J.S. Overseas

..... Petitioner

Versus

M/s Khosla Agro Overseas

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.G.S.Sirphikhi, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 12.01.2016 passed by learned Civil Judge (Jr. Division), Batala, vide which the right of the petitioner to cross-examine PW-1 Varun Kumar Khosla has been closed.

2. Learned counsel for the petitioner contended that on the date of impugned order, the new counsel for defendant has appeared. Earlier, the defendant-petitioner was represented by Mr. Karam Chand, Advocate, who had left the case. He further contended that delay has occurred due to the fault of the plaintiff. He has drawn my attention to the interim order reproduced in the revision petition. He contended that

the valuable rights of the petitioner are involved. The petitioner may be granted one opportunity to cross-examine PW-1 Varun Kumar Khosla.

3. I have duly considered the aforesaid contention.

4. The perusal of the petition shows that on various dates no evidence of the respondent-plaintiff was present. After availing five opportunities on 6th opportunity i.e. on 06.05.2015, PW-1 Varun Kumar Khosla has appeared. His examination in chief was recorded and cross-examination was deferred on the request of learned counsel for the petitioner. Thereafter, PW-1 Varun Kumar Khosla did not appear for 11 dates and he only appeared on 12.01.2016 when the impugned order has been passed, which clearly shows that the delay has been caused due to non-appearance of PW-1 Varun Kumar Khosla to face the cross-examination. This fact also cannot be disputed that earlier Mr. Karam Chand, Advocate was appearing for the petitioner and its new counsel Mr. Suresh Kumar for the first time appeared on the date when the impugned order was passed. It is also not disputed that the valuable rights of the petitioner are involved in the present suit and no prejudice is going to be caused to the respondent if one opportunity is granted to the petitioner to cross-examine PW-1 Varun Kumar Khosla.

5. Thus, in the interest of justice, the present revision petition is hereby allowed and the learned trial Court is

directed to afford one opportunity on the date to be fixed by the learned trial Court to the petitioner to cross-examine PW-1 Varun Kumar Khosla subject to Rs. 5,000/- as costs.

14.03.2016

S.khan

(DARSHAN SINGH)
JUDGE