

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

CR No.3059 of 2015
Date of decision : 25.07.2016

Amit Kumar

...Petitioner

Versus

Lakhbir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Malkeet Singh, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the impugned order, whereby the cross-examination of the plaintiff-respondent No.1, Lakhbir Singh has been treated to be Nil.

Mr. Ashish Aggarwal, learned counsel appearing on behalf of the petitioner submits that suit is for recovery of an amount and without cross-examination, the defendant-petitioner would not be able to ascertain truth, much less, test the veracity of the witness. No doubt number of opportunities have been obtained, the petitioner cannot be, in the interest of justice, deprived of right of the cross-examination owing to the lapse of the

counsel or communication gap.

Mr. Malkeet Singh, learned counsel appearing on behalf of respondent-plaintiff submits that zimni order would reveal that numerous opportunities have been taken and the defendant-petitioner has been lingering the matter on one pretext or the other. When the axe fell chosen to file revision petition. It was total lackadaisical approach.

I have heard learned counsel for the parties and appraised the paper book.

In order to prevent mis-carriage of justice and to manifest justice, though number of opportunities have been obtained by the petitioner-defendant for cross-examination of the plaintiff's witness in the suit for recovery of an amount, I deem it appropriate to grant one opportunity to cross-examine the plaintiff's witness on the date already fixed or the date given by the trial Court subject to the payment of cost of ₹8000/- to be paid to the counsel for the respondent in the High Court.

Impugned order is set aside.

With the aforementioned observation, revision petition is allowed.

25.07.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned: Yes

Whether reportable:- Yes/No