

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

**CR-436 of 2016 (O&M)
DATE OF DECISION: 22.01.2016.**

Latika Kumari **....Petitioner.**

VERSUS

Tarun Kumar **....Respondent.**

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Shekher Dhawan, J. (Oral)

Learned counsel for the petitioner submits that on the last date of hearing before the Court below i.e. on 16.12.2015, two witnesses were present and their examinations in chief were recorded by the Court. Counsel for the petitioner (respondent in the main case) was present in the Court and even his presence has been recorded. Still cross examination has not been recorded thereby denying valuable rights of petitioner in the present case. Witnesses to be cross examined are material witnesses as one of them is petitioner and another is mother of the petitioner. Court has observed in the order that counsel for the petitioner appeared in the Court in the morning (forenoon session) and thereafter the Court waited till 3:45 p.m. but nobody turned up and as such the cross-examination was ordered to be treated as 'Nil'.

The controversy being limited to this extent only. It is settled law that a party should not be made to suffer because of the conduct of his counsel. If in the given case cross-examination is not allowed to be conducted at least by giving single adjournment, that would cause injustice to the petitioner. As such, the present petition is accepted and the petitioner is allowed to cross examine witnesses namely, Tarun Kumar and Neeraj Rani, subject to costs of ₹10,000/- and the order dated 16.12.2015 is set aside to that extent.

(SHEKHER DHAWAN)
JUDGE

22.01.2016.

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