

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5054 of 2014
Date of decision : March 29, 2016

M/s Excellent Enterprises Pvt.Ltd.

..... **Petitioner**

Versus

M/s AMT International

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Gurinder Jit Singh, Advocate
for the respondent.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 21.7.2014 whereby cross-examination of PW1-Karam Singh has been closed by order.

Mr. Sanjeev Sharma, learned counsel appearing on behalf of the petitioner-defendant submits that in a suit for mandatory injunction calling upon the defendant to make the payment, the cross examination of plaintiff's witness is essential and necessary.

Mr. Gurinder Jit Singh, learned counsel appearing

on behalf of the respondent-plaintiff submits that enough opportunities have been granted to the petitioner-defendant to cross-examine PW-1. However, even costs imposed prior to the order of closing the evidence was not paid, yet cross-examination of PW-1 has not been done, therefore, the petitioner-defendant should be burdened with exemplary costs as process of the court has blatantly been abused.

I am of the view that in order to advance justice, it is appropriate to grant one opportunity to the petitioner-defendant to cross-examine the aforementioned witness, on the date fixed by the trial court, however, the aforementioned order of mine shall be subject to payment of costs of ₹5,000/-.

It is made clear that the payment of costs would be condition precedent before availing the opportunity to cross-examine the aforementioned witness.

The impugned order is set aside. The civil revision petition is allowed.

(AMIT RAWAL)
JUDGE

March 29, 2016
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