

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

**C.R. No.6795 of 2016**

**Date of Decision.15.12.2016**

Deepinder Singh Poonian

.....Petitioner

Vs

Bimal Ghosh

.....Respondent

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

Mr. B.S. Saini, Advocate  
for the respondent.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

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**AMIT RAWAL J. (ORAL)**

The petitioner-defendant is aggrieved of the impugned orders dated 07.01.2016 and 06.09.2016 whereby the cross-examination of the plaintiff was treated as 'nil' and the application recalling of the same has been dismissed.

Mr. Animesh Sharma, learned counsel appearing for the petitioner-defendant submits that the counsel for the defendant was not at fault as the website had shown the status of case as listing for plaintiff's witnesses but there was some misunderstanding as the order on the internet was construed to be for evidence in examination-in-chief and not for cross-examination. It is in this backdrop of the mater, the orders impugned came to be passed, thus, urges this Court for setting aside the orders under challenge.

Per contra, Mr. Saini, learned counsel appearing for the respondent-plaintiff submits that moving of the application and filing of the revision petition is nothing but an adoption of dilatory tactics and the orders

under challenge are perfectly legal and justified. No explanation, much less, cogent has come on record as to why the counsel did not cross-examine the plaintiff, thus, urges this Court for confirming the orders under challenge by dismissing the revision petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that shown of the facts noticed above and without going into merits and demerits of the case, in order to prevent miscarriage of justice and to do justice, I deem it appropriate to grant one more effective opportunity to cross-examine the plaintiff, subject to payment of costs of ₹5000/- to be paid to the counsel appearing for the respondent-plaintiff in the High Court which shall be condition precedent.

The orders under challenge are set aside and the revision petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**December 15, 2016**  
Pankaj\*

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |