

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

CR No.7491 of 2016 (O&M)

Date of decision:9.11.2016

Chander Shekhar Mishra

....Petitioner

VERSUS

Anish Dingra and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.K. Kataria, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition has been directed against order dated 14.10.2016 (Annexure P-1) passed by the Civil Judge (Junior Division), Amritsar whereby application for enlargement of time for cross examination of the petitioner/plaintiff has been dismissed.

Counsel for the petitioner has submitted that the petitioner appeared in the witness box and was partly cross examined but later he could not tender himself in the witness box for his further cross examination due to illness of his daughter. It is further submitted that evidence of the petitioner was closed by order on 14.10.2016. A serious prejudice would be caused to the petitioner, in case his cross examination is not allowed to be completed as in that eventuality his statement may not be read into evidence.

After arguing for some time, counsel for the petitioner states that the petition may be disposed of without prejudice to rights of the petitioner to file an appropriate application for recalling order dated 14.10.2016 closing evidence of the petitioner.

In view of the above, the petition is disposed of. In case, an application for recalling the order dated 14.10.2016 is filed by the petitioner, the same shall be disposed of by the trial Court without being influenced by the impugned order.

NOVEMBER 9, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No