

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

**Civil Revision No.8452 of 2016 (O&M)
Date of Decision: December 15, 2016**

Khosla & Company and another

.....Petitioners

VERSUS

Harnarinder Singh and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.B.S.Jaswal, Advocate, for
Mr.P.S.Migalni, Advocate,
for the petitioners.

SURINDER GUPTA, J. (Oral)

Conceding that there was lapse on the part of the counsel for the revision petitioner engaged in the lower court that he did not cross-examine PW2 despite the opportunity being allowed and then further opportunity given on payment of ₹ 5000/- as costs, learned counsel for the revision petitioner seeks one opportunity to cross-examine PW2 in the interest of justice, on payment of costs.

A perusal of the order passed by the trial court shows that enough opportunities were allowed to the counsel for the revision petitioner to cross-examine PW2 but he did not cross-examine him. Again on the application of the defendant, opportunity was allowed to cross-examine PW2 by recalling him and a costs of ₹ 5000/- was also imposed but despite this, PW2 was not cross-examined.

Keeping in view the submission of the counsel for the petitioners and in the interest of justice, one more opportunity is allowed to the revision petitioner to cross-examine PW2 Harish Gupta subject to payment of ₹ 10,000/- as costs, out of which, ₹ 5000/- will be paid by way of demand draft in the name of Harish Gupta PW2 and another sum of ₹ 5000/- will be paid to the landlord-petitioners by way of two separate demand drafts of ₹ 2500/- each. The demand drafts will be deposited in the trial court on or before 21.12.2016 and the trial court will give one more opportunity to the revision petitioner to cross-examine PW2.

Accordingly, the petition is allowed. It is, however, made clear that in the event of witness being not cross-examined on the given date, no further opportunity will be allowed.

December 15, 2016

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No