

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

CR No. 8515 of 2014

Date of decision: 01.04.2016

Gurminder Singh Kahlon

..... Petitioner

Versus

Rakesh Soni

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.G.G.S.Sirphikhi, Advocate
for the petitioner.

Mr. Harminder Singh, Advocate
for the respondent.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 19.11.2014 passed by the learned Additional Civil Judge (Sr. Division), Batala, vide which the cross-examination of PW-9 Rakesh Soni-plaintiff has been treated to be 'nil'.

2. Learned counsel for the petitioner contended that the valuable rights of the petitioner are involved in the suit. Opportunity has not been granted to the petitioner to cross-examine PW-9 Rakesh Soni on the ground that his counsel has not come present. He contended that Satwinder Singh, Advocate representing the petitioner in the learned trial Court has filed his affidavit to explain the reasons. He further

contended that the cross-examination shall be completed only on one date and one opportunity may be granted to the petitioner to cross-examine PW-9 Rakesh Soni.

3. On the other hand, learned counsel for the respondent contended that the petitioner is delaying the disposal of the suit. The counsel for the petitioner did not come-forward to cross-examine PW-9 Rakesh Soni on 19.11.2014. In case, the revision petition is allowed, the petitioner should be bound to cross-examine PW-9 Rakesh Soni on one date and also to pay the heavy cost.

4. I have duly considered the aforesaid contentions.

5. Mr. Satwinder Singh, Advocate, counsel for the petitioner in the learned trial Court has filed his affidavit on 19.11.2014, wherein he deposed that he has appeared before the Court before lunch break for conducting the cross-examination of PW-9 Rakesh Soni, but at that time opposite counsel was not available. After the lunch break, he got busy in another case and due to this reason he could not conduct the cross-examination of PW-9 Rakesh Soni. The explanation given by the learned counsel for the petitioner in his affidavit seems to be reasonable. Moreover, this fact is not disputed that the valuable rights of the petitioner are involved in the present suit. If, the petitioner is denied the opportunity to cross-examine PW-9 Rakesh Soni, the plaintiff, it will certainly result into serious prejudice to the rights of the petitioner.

6. Learned counsel for the petitioner has undertaken to complete the cross-examination of PW-9 Rakesh Soni on one date, so there is no question of delaying the disposal of the case.

7. Thus, keeping in view of my aforesaid discussion, the present revision petition is hereby allowed. The petitioner-defendant is granted one opportunity to cross-examine PW-9 Rakesh Soni, the plaintiff on the next date of hearing fixed before the learned trial Court subject to Rs. 5000/- as costs. The plaintiff will come present on that date to face the cross-examination.

01.04.2016

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**(DARSHAN SINGH)
JUDGE**