

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

CR No. 3338 of 2017

Date of decision : 26.05.2017

Sanjiv Kumar Nagpal

....Petitioner

V/s

Rajiv Chanana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Respondent no. 1.

RAJAN GUPTA J.

Present revision petition is directed against the order dated 17.03.2017 passed by trial court whereby cross examination of respondent no. 1 namely Rajiv Chanana was recorded as nil. It has been urged before the court by counsel for the petitioner that trial court did not take into consideration personal difficulty of counsel. According to him, an application was moved before the court below that counsel had to go to Max hospital, Mohali for treatment of his sister. Due to this reason, he could not cross examine the witness DW Rajiv Chanana. Respondent no. 1 has appeared in person and opposed the prayer. He submits that petitioner is merely trying to delay the proceedings.

However, keeping in view facts and circumstances of the case particularly the reason given in the application moved before the court below, this court is of the view that one opportunity needs to be granted to the petitioner to cross examine the witness namely Rajiv Chanana. Petition

is allowed and impugned order dated 17.03.2017 is set-aside. It is, however,

clarified that in case petitioner tries to delay the proceedings further, trial court shall be at liberty to impose exemplary costs on him.

May 26, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No