

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

**CR No.7274 of 2017 (O&M)
Date of Decision: 25.10.2017**

Jaspal Singh

... Petitioner.

Versus

Sandeep Mehta and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

The defendant/petitioner is in revision petition against the order passed by the learned trial Court treating the cross-examination of the plaintiff as nil. In other words, opportunity of the defendant to cross-examine the plaintiff, who has appeared in the witness box, has been closed. Learned trial Court has noticed that the counsel for the defendant has not cross-examined the plaintiff on three different dates of hearing, despite last opportunity. The defendant has not even paid the costs.

Although, there is no justification for giving any further opportunity to the defendant, who has been thoroughly negligent in prosecuting his case. However, non-cross-examination of the plaintiff has a very serious consequences as evidence of the plaintiff goes unrebutted. I have also noticed that the suit in the present case was filed in February, 2016.

Taking into consideration these facts, the defendant/petitioner

is granted one opportunity to cross-examine the plaintiff within a period of 15 days from today, subject to payment of costs of Rs.25,000/-.

Since I have passed the order without hearing the plaintiff, the plaintiff would be at liberty to move an application for recall of the same.

The revision petition is disposed of.

25.10.2017
sk

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No