

It comes out that said two witnesses were examined in chief on 3.11.2017 and thereafter cross examination of witnesses was not being conducted. On the last date of hearing i.e. 28.11.2017, witnesses were present, but they were not cross examined. Therefore, last opportunity was granted for 15.12.2017, on which date the witnesses remained present in Court since morning, but they were not cross examined. Therefore, opportunity was treated as nil. Thereafter, plaintiff closed his evidence. It also comes out that the witnesses were being detained for three dates from morning to evening for cross examination.

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The learned counsel for petitioner states that suit is for recovery of Rs. 1,10,000/-. The counsel had to go out of station to attend a marriage. Therefore, he could not appear on the said date.

I am of the view that said plea is not acceptable. However, considering that ultimately it is the defendant who is to suffer and keeping in view the interest of justice, without issuing notice to respondent, one more opportunity is granted to cross examine PW1 and PW2 on the date to be fixed by trial Court, subject to payment of Rs. 10,000/- each to PW1 and PW2. Consequently, revision is disposed of. Since main petition has been disposed of, therefore, pending application, if any also stands disposed of.

(KULDIP SINGH)
JUDGE

13.3.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No