

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

CR-4129-2018

Date of decision : 3.7.2018

MRIDU SALES CORPORATION AND ANOTHER

.... Petitioners

Versus

PEE PEE MARKETING AND ANOTHER

.... Respondents.

CORAM : HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Vijay Lath, Advocate
for the petitioners.

Harinder Singh Sidhu, J.

Present revision petition has been filed by the defendants/petitioners impugning the order dated 18.5.2018 of the Additional Civil Judge (Sr.Divn.), Jalandhar whereby application for recalling two orders; namely, order dated 7.7.2017, whereby cross examination of PW-1 and PW-2 was treated as NIL, and second order dated 11.4.2018 whereby evidence of the petitioners/ defendants was ordered to be closed was dismissed.

The petitioners are defendants in the suit for recovery of Rs.4,39,589/- filed by the respondents.

Learned counsel states that in the order dated 7.7.2017, presence of the counsel for the petitioners and defendants has been recorded. However, despite being present, the counsel for the defendants did not cross examine PW-1 and PW-2. He argued that the petitioners should not be allowed to suffer for the inaction of his counsel in not examining the said PWs. He contended that his counsel has cross-examined the remaining PWs, however, he did not inform the petitioners that he had not cross-

examined PW-1 and PW-2 and their cross-examination had been recorded as NIL. He states that PW-1 Parveen Jaswal is plaintiff No.2 and PW-2, Sanjeev Joshi is his accountant. Cross-examination of these witnesses is material for just decision of the case. Similar argument was advanced with regard to the order dated 11.4.2018. He states that if the petitioner is given one opportunity, he will tender the documents as also cross examine PW-1 and PW-2.

Having heard learned counsel, I am of the view that it would be in the interest of justice, if the petitioners are granted one opportunity to cross-examine PW-1 and PW-2 and also tender the documents subject to payment of Rs.20,000/- as costs, to be paid to the respondents.

Accordingly, impugned order is set aside. The petitioners are afforded only one opportunity to cross-examine PW1 and PW2 and tender the documents. This shall be subject to payment of costs of Rs.20,000/-. This petition has been disposed of without notice to the respondents in order to avoid un-necessary inconvenience and expenses. However, the respondents shall be at liberty to file an appropriate application in case they have any grievance to express. If such application is filed, the same be listed.

Petition is disposed of.

(Harinder Singh Sidhu)
Judge

03.07.2018

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