

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

C.R.No.5916 of 2018

Date of Decision: 17.09.2018

M/s Utkarsh Buildcon Pvt Ltd and Ors.

....Petitioners

Versus

Chander Prakash Banga and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Sanjeev Sharma, Sr. Advocate with
Mr. Shekhar Verma, Advocate for the petitioners.

Mr. Parshant Sethi, Advocate with
Mr. Salinder Kashyap, Advocate for Caveator-respondent No.1.

B.S.WALIA, J (ORAL)

[1] Notice of motion.

[2] Sh. Parshant Sethi, Advocate accepts notice on behalf of
respondent No.1.

[3] Challenge in the revision petition is to order dated 24.08.2018
(Annexure P.1) passed by the learned Civil Judge (Jr. Division), Gurugram
in Civil suit No.17121 of 2013 titled as Chander Prakash Banga and Ors. vs.
Ajit Singh and Others, dismissing the application filed by the defendant-
petitioner for recalling of PW1-Chander Prakash Banga by observing that in
the eventuality of defendant-petitioner filing appeal/revision against order
dated 24.08.2018, copy of the order dismissing the application be not
provided to the plaintiff-respondent because the questions sought to be put
by the defendant-petitioner to the plaintiff-respondent were mentioned in
the said order and if the plaintiff-respondent comes to know about the
questions then the purpose of filing the revision petition would not be
achieved.

[4] Learned counsel appearing for the plaintiff-caveator along with Sh. S.S. Saini, Advocate as also respondent-PW1 Chander Prakash Banga has at the very outset made a statement that they would not have any objection if the impugned order dismissing the application for recalling PW1-Chander Prakash Banga is set aside as said witness is willing to be recalled for cross-examination in respect of the questions which were proposed to be put by the defendant-petitioner before the learned trial Court.

[5] In view of the said statement made by PW1-Chander Prakash Banga, who is identified by counsel for the respondent, the impugned order dismissing the application of the defendant-petitioner for recalling said Chander Prakash Banga for cross examination in respect of the questions proposed to be put to him before the learned trial Court is set aside subject to payment of Rs.10000/- as costs to be paid by the defendant-petitioner to the plaintiff-respondent No.1. The parties shall put in appearance before the learned trial Court on the next date i.e 21.9.2018 whereupon learned trial Court would proceed in the matter in accordance with law qua those questions as have already been proposed by the defendant-petitioner to be put in cross examination to respondent/PW1-Chander Prakash Banga. Needless to mention that the defendant-petitioner would endeavour to conclude the cross examination on the same date itself unless necessitated on account of exigencies of time in which eventuality cross examination would be conducted on day to day basis till its conclusion.

[6] Disposed of as above.

September 17, 2018
manoj

(B.S. WALIA)
JUDGE

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