

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

Civil Revision No.6901 of 2018

Date of Decision:09.10.2018

Kusum Garg

..... Petitioner

Vs.

M/s Pavani Buildwell Pvt. Ltd and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Tajender K. Joshi, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner points, first, to the order passed by the learned trial Court on 04.09.2018, by which the local commissioner was ordered to be appointed in terms of Order XVIII Rule 4 of the CPC, for recording the cross-examination of respondents' witness, i.e. PW1.

He thereafter, points to what is recorded by the local commissioner on 14.09.2018, as follows:

“Statement of Priyanka Vij authorised representative of
M/s Pavani Buildwell.

XXX Recalled for cross-examination.

Opportunity Nil as the advocate for the respondent not
available.”

He also points to the report submitted on the same date, reading
as follows:

“File taken up today. Statement not recorded and opportunity for cross examination marked as Nil. Now file be put up before this Hon'ble Court for the date fixed.”

He next points to the impugned order dated September 20, 2018, whereby, after recording that the counsel for the petitioner had closed evidence, the matter had been adjourned till today, i.e. 09.10.2018, for evidence of the respondents, i.e. petitioners in this revision petition.

He submits that therefore simply because counsel for the petitioner could not be present in the post-lunch session on 14.09.2018, with him having been present in the pre-lunch session (as contended), no further opportunity apart from a single opportunity was granted to her to cross-examine PW1.

He further submits that the trial Court has adjourned the matter to 01.11.2018, without recording any evidence today.

Subject to the aforesaid contention being correct (as regards no evidence of the present petitioner having been recorded), this petition is allowed with the impugned order set aside and the petitioner herein given one opportunity to cross-examine PW1.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

October 09, 2018.

dharamvir

Whether speaking/reasoned : YES
Whether Reportable : YES