

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 120

CR-6953-2018

Date of decision : 11.10.2018

Amit Bajaj

..... Petitioner

VERSUS

Satish Mahajan

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G. S. Virk, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 12.07.2018, passed by the Civil Judge (Junior Division), Ludhiana (for short, the Trial Court), through which an application filed by the petitioner under Order 7 Rule 11 CPC has been dismissed as also his prayer for cross examination of PW-1 Satish Mahajan has been declined.

Learned counsel for the petitioner submits that he presses the present petition only qua the declining of the request made on behalf of the petitioner to cross examine PW-1 Satish Mahajan.

A perusal of the record reveals that two opportunities were granted to the learned counsel appearing for the petitioner before the Trial Court to cross examine the aforesaid witness. Such opportunities were granted on 04.07.2018 and 12.07.2018 which remained unavailed of resulting in the passing of the order impugned in the present proceedings.

It is true that on 04.07.2018 and 12.07.2018 opportunities were granted by the Trial Court to learned counsel appearing for the petitioner to cross examine PW-1 Satish Mahajan but it appears that since on 12.07.2018 an application filed on behalf of the petitioner under Order 7 Rule 11 CPC was considered and dismissed by the Trial Court, on that day the aforesaid

witness could not be cross examined.

In the light of the above facts and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising his defence at the initial state of the trial, subject to payment of ₹10,000/- as costs to be paid by the petitioner to the respondent, the impugned order only qua the declining of the request made on behalf of the petitioner to cross examine PW-1 Satish Mahajan is set aside and the Trial Court is directed to grant the petitioner one effective opportunity to cross examine PW-1 Satish Mahajan on a date to be fixed by the Trial Court at the earliest for that purpose.

The present petition is allowed in the above terms.

If the respondent is aggrieved by this order, he are at liberty to approach this Court through an appropriate application.

11.10.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No