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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7537-2017 (O&M)

Date of decision : 28.03.2018

Subhash

...Petitioners(s)

Versus

Kitaba

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.P. Tiwana, Advocate
for the petitioner.

Mr. Sachin Gupta, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is aggrieved of the order dated 11.10.2017, whereby the application for recalling the plaintiff for cross-examination has been dismissed.

Learned counsel for the petitioner-defendant submitted that in case, one opportunity is granted, he will conclude the cross-examination, subject to any terms and conditions, which this Court may deem fit appropriate.

I have heard the counsel for the petitioner-defendant, appraised the paper book and of the view that no doubt, the petitioner-defendant was negligent in concluding the evidence, however, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioner-defendant to conclude the evidence.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioner-defendant shall conclude the evidence in accordance with law subject to payment of costs of ₹5,000/- in order to defray the cost of litigation of the respondent, which shall be condition precedent. If the costs is not paid as directed, the order passed already by the Court below shall stand restored.

The present revision petition is allowed.

28.03.2018

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**