

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

CR No.7972 of 2017
Date of decision : 21.03.2018

Harjinder Singh @ Bhola

...Petitioner

Versus

Rajeev Kumar Tandon and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kumar Kalia, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in the revision petition against the order passed by the learned trial Court dated 27.07.2017 closing the opportunity granted to the counsel for defendant to cross-examine PW1 and ordered it to be treated as NIL. It may be noticed that notice in the revision petition was issued, however, the respondents have not chosen to appear.

Learned counsel for the petitioner has pointed out that on the one hand, presence of the counsel is marked, on the other hand, the Court has recorded that the counsel for the defendant has failed to cross-examine the witness.

Learned counsel for the petitioner has fairly submitted that the counsel was bit late and, therefore, the Court passed the order, although, the Court time was still available. He has submitted that if one opportunity is granted, then counsel for the defendant would complete the cross-

examination. He has submitted that if PW1 remains without having been cross-examined, the consequences on the case of the defendant would be serious.

Taking into consideration the aforesaid submissions, this Court is of the opinion that although it is appreciable for the Courts that they are expeditiously deciding the suit, however, the Court should also be alive to the practical difficulties.

Taking into consideration the aforesaid facts, the defendant-petitioner is granted one opportunity to cross-examine PW1 on the next date of hearing i.e. 16.04.2018. The plaintiff would ensure that PW1 is present in the Court and available for cross-examination.

In view thereof, the present revision petition is allowed.

The defendant-petitioner is granted one opportunity to cross-examine PW1. This opportunity shall be subject to the costs of ₹5,000/- payable to the plaintiff.

21.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No