

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

CR-1336-2017

Date of decision:-11.12.2019

M/s Janta Rice Mill

...Petitioner

Versus

Pritpal Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ajay Pal Singh, Advocate for
Mr.Kanwal Goyal, Advocate
for the petitioner.

Mr.L.S. Virk, Advocate
for the respondents.

H.S. MADAAN, J.

In a suit for grant of permanent injunction filed by revisionist M/s Janta Rice Mill against Pritpal Singh and others, cross-examination of DW1 Madan Lal was closed for the reason that counsel for the plaintiff had not turned up for the purpose of cross-examination of witness till 3:45 p.m.

The plaintiff is aggrieved by such order and has filed revision petition before this Court, notice of which was given to respondents, who have put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

No doubt there was a lapse on the part of counsel for the plaintiff in not appearing in the Court and conducting cross-examination of DW1 – Madan Lal till late hours. However, I find that in the interest of

justice, it would be proper and appropriate, if one opportunity is granted to the plaintiff to cross-examine this witness.

Accordingly, the order under revision is set aside and the revision is allowed. Resultantly, the plaintiff shall be afforded one opportunity to cross-examine DW1 – Madan Lal, subject to the payment of Rs.15,000/- as cost payable to the defendants. Payment/deposit of cost shall be a condition precedent for allowing the plaintiff to conduct further cross-examination of DW1 – Madan Lal. The trial Court shall fix a date for the purpose of cross-examination of DW1 Madan Lal and on payment/deposit of the cost so imposed by this Court, only one opportunity shall be granted to the plaintiff to cross-examine DW1 Madan Lal.

11.12.2019

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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No