

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

CR-1419-2019 (O&M)
Date of decision: 04.07.2019

Pushpa

...Petitioner

Versus

Ritu Batra and another

...Respondents

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

Present: Mr. M.K. Sood, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Mr. B.B. Sharma, Advocate has appeared on behalf of respondent No.1 by filing memo of appearance.

This revision petition is directed against order dated 08.01.2019, passed by Civil Judge (Jr. Divn.), Faridabad, vide which, cross examination of PW-Raju Batra on behalf of defendants has been treated as NIL.

The defendant No.1, who is revisionist before this Court prays that the impugned order be set aside and an opportunity be given to her to cross examine the witness.

The revision petition is being resisted vehemently on behalf of the respondent No.1/plaintiff, contending that the conduct of the defendant, who is revisionist before this Court, is such that she does not deserve any sympathy and the impugned order should not be interfered with.

After hearing learned counsel for the parties and going through the record, I find that if the impugned order is allowed to remain intact, then, the revisionist/defendant may be prejudiced in the trial. As such, interest of justice demands that one opportunity should be granted to the revisionist to cross examine PW-Raju Batra, of course, by burdening her with sufficient amount of costs.

Accordingly, the impugned order is set aside and the revisionist/defendant No.1 is afforded one opportunity to cross examine PW-Raju Batra. The trial Court shall ensure appearance of PW-Raju Batra in the Court on the date to be fixed by it. The revisionist would ensure the availability of her counsel in the Court on that date and would get the witness cross examined. No request for further adjournment on behalf of the revisionist/defendant No.1 would be entertained. Before starting the cross examination, the revisionist is burdened with Rs.10,000/- as costs. Out of that amount, Rs.5000/- be deposited with District Legal Services Authority, Faridabad and receipt in that regard be placed on the case file, whereas, Rs.5000/- be paid to the plaintiff. The payment of costs shall be pre-condition for allowing the revisionist opportunity to cross examine PW-Raju Batra. With such observations, the revision petition is allowed.

A copy of the order be sent to the trial Court through District & Sessions Judge, concerned for information and necessary compliance.

04.07.2019

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**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No