

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

C.R 6724 of 2019

Date of decision : 24.10.2019

M/S ROBIN INDUSTRIES

...Petitioner

V/S

M/S SONICO ENTERPRISES

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.P. Kansal, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 26.10.2018 (P-1) and order dated 13.05.2019 (P-6) passed by learned Civil Judge (Jr. Divn.) Ludhiana.

A bare perusal of the impugned order shows that defendant-petitioner filed the counter claim on 10.05.2017 and both the case and the counter claim were to be consolidated at the time of filing of the counter claim but the same were consolidated on 13.02.2019. On 03.12.2018, the evidence of the counter claimant was examined and closed. The application has been dismissed as no order regarding order of consolidation of the main suit and counter claim was passed on 13.02.2019 as alleged by the defendant/counter claimant. The main suit and counter claim are being together from the date the defendant filed the written statement along with counter claim.

Keeping in view the fact that the opportunity was given to the petitioner to cross examine P.W.1 on 26.10.2018 and the same was treated as NIL on the same day, the writ petition is partly allowed and order dated 26.10.2018 (P-1) and order dated 13.05.2019 are set aside and direction is being given to the trial Court to give one effective opportunity to the petitioner to cross examine P.W.1.

October 24, 2019

G Arora

**(RITU BAHRI)
JUDGE**

***Whether speaking/reasoned
Whether reportable***

***Yes
No***