

In the High Court of Punjab and Haryana at Chandigarh

259

CR No. 7611 of 2019

Date of decision: 11.12.2019

DINESH GUPTA AND ANOTHER

.....petitioners

Versus

ANKIT GUPTA AND OTHERS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Gupta, Advocate,
for the petitioners.

Mr.Ankit Chowdhari, Advocate
for respondent Nos. 1 and 2.

RAJ MOHAN SINGH, J.(oral)

Petitioners have assailed the order dated 22.10.2019 passed by the Civil Judge (Jr.Divn.), Chandigarh, vide which evidence of the petitioners was closed by order of the Court.

At the time of issuance of notice of motion on 3.12.2019, following order was passed:-

“Learned counsel for the petitioners contends that vide order dated 18.04.2019, the Co-ordinate Bench of this Court while disposing off the Civil Revision No.1193 of 2018 directed the trial Court to decide the main case within the period of nine

months. During cross-examination of AW-10 Dinesh Gupta, numerous opportunities were availed either by the respondents or due to the paucity of time before the trial Court. On some occasions, the adjournment was granted at the instance of the petitioner Dinesh Gupta. The cross-examination of Dinesh Gupta ultimately concluded on 11.09.2019 and thereafter cross-examination of AW-11 Charul Chowdhary started w.e.f. 16.09.2019.

Learned counsel further contends that the interlocutory orders passed from 16.09.2019 till the date of passing of the impugned order are suggestive of the fact that the respondents are involved in putting unnecessary questions to the witness despite her moving the application under Section 151 CPC for directing the non-applicants to restrict the scope of cross-examination to the relevant facts. The said application has not been decided by the trial Court so far. The absence of AW-11 on account of reasonable cause has been taken against her while closing the evidence of the petitioners.

Notice of motion for 11.12.2019.

At this stage, Mr. Ankit Chowdhri, Advocate appears and accepts notice on behalf of respondents

No.1 and 2.

To be taken up after the urgent cause list.”

During the course of arguments, both the parties concur that one opportunity be given for the cross-examination of AW-11 Charul Chowdhary and one opportunity be given for leading evidence by the applicants subject to payment of costs of Rs.25,000/- to be paid to respondents No.1 and 2.

I deem it appropriate to consider the aforesaid consensus to be just and proper. Impugned order dated 22.10.2019 passed by the Civil Judge (Jr.Divn.), Chandigarh is, thus, set aside. Petitioners shall be cross-examined on the date fixed i.e. 16.12.2019 before the trial Court, thereafter, the trial Court shall give one more opportunity to the applicants to conclude their evidence on the said date, however, subject to payment of cost(s) of Rs.25,000/-. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Petition stands disposed of accordingly.

December 11, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No