

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

114

CR No.166 of 2020 (O&M)
Date of decision : 13.01.2020.

Ashwani Bindra

... Petitioner

Versus

Manjit Kaur and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. N.K. Verma, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 13.11.2019 whereby his evidence has been closed.

Learned counsel for the petitioner contends that the petitioner-plaintiff had filed a suit for recovery as well as for permanent injunction against the respondent-defendant. In support of his suit, the petitioner had sought to examine PW-3, namely, Rajesh Aggarwal. On 31.10.2019, when PW-3 was present for his examination, his cross-examination had been deferred at the request of counsel for the respondent-defendant and the matter had been adjourned to 13.11.2019. On 13.11.2019, an application for adjournment had been filed in the Court that it would be difficult for PW-3 to be present for cross-examination as he was to go out of station for urgent work. He also contends that the petitioner may be granted only one opportunity to produce PW-3 for cross-examination as in the absence of cross-examination of the witness, the petitioner would be caused irreparable injury.

In view of the limited prayer of learned counsel for the petitioner to produce PW-3 for his cross-examination, I intend to dispose of this petition without issuing notice to the respondent. It would be in the interest of justice, equity and fair play if the petitioner is accorded an opportunity to produce PW-3 for his cross-examination.

Consequently, the petition is allowed and the petitioner shall be granted one opportunity to produce PW-3 for cross-examination subject to payment of ₹10,000/- as costs to be paid to the respondent. However, it is made clear that the petitioner will not make any further request to adjourn the matter.

If the respondents are aggrieved by the order of this Court, they would be at liberty to approach this Court by filing an appropriate application.

(ANUPINDER SINGH GREWAL)
JUDGE

January 13, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No