

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1136-2018(O&M)

Date of decision: 07.01.2020

R.Ess Iron & Steel Pvt. Ltd.

.....Petitioner

Versus

Punjab State Power Corporation Ltd. and anr

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Munish Gupta, Advocate for the petitioners

Mr.Abhilaksh Grover, Advocate for respondents

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner has filed the present revision petition against the order passed by learned Trial Court dated 18.1.2018 treating further cross-examination of DW2 Amarpreet Singh as 'nil'.

It may be noticed that DW2 Amarpreet Singh had appeared in the Court for deposition on 24.5.2017 when his examination-in-chief was recorded and on the request of the counsel for the plaintiff cross examination was deferred. On 7.9.2017, the cross-examination of DW2 Amarpreet Singh was deferred to post lunch session. On the next date of hearing i.e on 19.9.2017 DW2 Amarpreet Singh was again present to face cross-examination but on the request of the counsel for the plaintiff, the case was adjourned to 29.9.2017 while binding down the witness. On 13.10.2017 DW2 Amarpreet Singh was partly cross-examined and further cross-examination was deferred on the request of the learned

counsel for the plaintiff. On 27.10.2017 once again DW2 Amarpreet Singh was partly cross-examined and for further cross-examination, the case was adjourned to 10.11.2017 on the request of the learned counsel for the plaintiff. On 27.11.2017 again DW2 Amarpreet Singh was present to face cross-examination but on the request of the learned counsel for the plaintiff, the case was adjourned to 4.12.2017. On 4.12.2017, again DW2 Amarpreet Singh was present but he was not cross-examined and the case was adjourned to 4.1.2018. On 4.1.2018 DW2 Amarpreet Singh did not appear and the case was adjourned to 18.1.2018. On 18.1.2018 DW2 Amarpreet Singh was present to face cross-examination but proxy counsel appearing for the plaintiff sought adjournment on the ground that main counsel for the plaintiff is not available. In these circumstances, the Court directed that more than enough opportunities have been given to the learned counsel for the plaintiff to complete the cross examination of the witness and therefore, further cross-examination of DW2 Amarpreet Singh be treated as 'nil'.

Keeping in view the aforesaid facts, it is apparent that the plaintiff has been given more than enough opportunity to cross-examine DW2 Amarpreet Singh. Hence, no ground to interfere in exercise of revisional jurisdiction is made out.

Dismissed.

07.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No