

In the High Court of Punjab and Haryana at Chandigarh

126

CR-1551-2020 (O & M)

Date of Decision: March 03, 2020

M/S DUA PLY PALACE AND ANR

.....PETITIONERS

VERSUS

SANTOSH AGGARWAL AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Dharam Chand Mittal, Advocate for the petitioners.

**Mr. O.P.Goyal, Senior Advocate with
Mr. Sanjiv Sharma, Advocate for the respondents.**

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioners contends that the trial Court has erroneously dismissed the application of the petitioners for recalling PWs for further cross-examination by the order dated 11.02.2020 (Annexure P-7) although the documents tendered by them have been exhibited and the petitioners have been denied opportunity to cross-examine them. He also contends that the trial Court has erred in observing that the documents had been exhibited in the presence of the clerk of the counsel. The presence of the clerk of the counsel cannot in any manner be deemed to be the presence of a litigant or his counsel and, therefore, the course of action adopted by the Rent Controller is contrary to the known cannons of the civil law. He further contends that he only wants one opportunity to cross examine PW-9 and PW-12 as documents tendered by them were exhibited and they could not be cross-examined on those aspects. The petitioner shall not make any effort to unduly delay the trial.

Issue notice to the respondents.

At this stage, Mr. Sanjiv Sharma, Advocate has put in appearance on behalf of the respondents and filed his vakalatnama in Court today. He contends that he has received instructions that the respondents have no objection in the event of one opportunity being afforded to the petitioners to cross-examine PW-9 and PW-12.

In view of the agreement between the counsel for the parties on affording one opportunity to the petitioner to cross-examine PW-9 and PW-12, the impugned order dated 11.02.2020 is set aside. The petitioners shall be afforded one opportunity to cross-examine PW-9 and PW-12.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

March 03, 2020

A.Kaundal

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