

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

**CR-2292-2022
Decided on:-23.08.2022**

Abdul Rashid @ Mohd Rashid

....Petitioner.

VS.

Mohammad Yaqoob and another

....Respondents.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhishek Singla, Advocate,
 for the petitioner.

HARKESH MANUJA J. (Oral)

Present revision petition has been filed against the order dated 12.10.2021 (Annexure P-6) passed by Id. Civil Judge (Junior Division), Malerkotla, whereby an application filed on behalf of the petitioner-defendant No.1 for recalling respondent No.1-plaintiff for further cross-examination, has been dismissed.

Respondent No.1-plaintiff filed a suit for permanent injunction against petitioner-defendant No.1, in which, issues were framed vide order dated 25.07.2018. Respondent No.1-plaintiff appeared as PW-1, though he was cross-examined on two different dates i.e. on 19.05.2019 and 30.07.2019, however, it is the submission of the petitioner-defendant No.1 that inadvertently and on account of *bona fide* error, some relevant revenue record was not put to him.

Learned counsel for the petitioner submits that the application dated 06.01.2020 was filed by the petitioner-defendant No.1 at the time

when evidence of respondent No.1-plaintiff was going on, as such, there was no delay on his part in moving the same.

During hearing, Mr. Shubham Gupta, Advocate has put in appearance and filed power of attorney on behalf of respondent No.1. He submits that the filing of application for recalling respondent No.1-plaintiff was just to cause delay in the disposal of the suit, however, he has no objection, in case, the petition is allowed and the petitioner is granted one last opportunity to cross-examine the plaintiff-respondent No.1 by recalling him.

Keeping in view the aforesaid facts and circumstances, particularly, in view of the fact that the petitioner intends to put few revenue documents to respondent No.1/plaintiff and moreover, the application was filed while the evidence of respondent No.1-plaintiff was going on, the revision petition is hereby allowed. The impugned order dated 12.10.2021, is set aside and one effective opportunity is granted to the petitioner to cross-examine respondent No.1-plaintiff before the trial court.

As the petitioner has not been diligent enough while pursuing his case and has delayed the proceedings, a cost of Rs.10,000/- is imposed upon the petitioner, as a condition precedent, to be paid to the opposite party on the next date of hearing fixed before the trial court.

(HARKESH MANUJA)
JUDGE

23.08.2022
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No