

S.No.117

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

CR No.5357 of 2022

Date of Decision:21.11.2022

M/s Kashish Marble and Traders

.....Petitioner

Vs.

M/s K.K. Enterprises, Mangat Pura, Jagadhri

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Sethi, Advocate for the petitioner.

DEEPAK GUPTA, J.

Vide impugned order dated 05.05.2022, the learned trial Court struck off the defence of the defendant- petitioner for non-payment of the adjournment cost/ non-compliance of the Court's order.

It is contended that case was at the initial stage of plaintiff's evidence. Evidence of PW1 Kapil Jindal was partly recorded on 28.03.2022 and the matter was adjourned to 19.04.2022 for the purpose of cross-examination of PW1. On the adjourned date, at the request of counsel for the respondent, matter was again adjourned to 05.05.2022 for the purpose of cross-examination of PW1 subject to ₹200/- as cost. As respondent- defendant did not pay the cost on 05.05.2022, so his defence was struck off. Learned counsel contends that counsel for the petitioner was in some personal difficulty on 05.05.2022 and had sought adjournment in order to cross-examine PW1 but instead of granting the opportunity, the trial Court struck off the defence. Learned counsel also requests to grant only one opportunity to cross-examine the witness and undertakes to deposit the adjournment cost.

Heard.

Without issuing notice of this revision to the respondent,

present revision is disposed of with the direction to trial Court to provide one effective opportunity to the petitioner- defendant to conduct cross-examination of PW1 Kapil Jindal and then proceed further in accordance with law. This is subject to the payment of costs of ₹10,000/- by the petitioner- defendant to be deposited with District Legal Services Authority, Yamuna Nagar. In addition, the petitioner is also directed to pay the adjournment cost which was imposed by the trial Court.

November 21, 2022
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No