

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

122

CR-3087-2022

Date of decision: 04.08.2022

Sachin Verma

.....Petitioner

Versus

Kailash Nath

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vijay Lath, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner/defendant is here to impugn the orders dated 19.04.2022 and 05.05.2022 vide which opportunity to cross-examine PW-1, PW-2 and PW-3 was treated as nil.

Learned counsel submits that it was for genuine reasons beyond control of the petitioner that repeated adjournments were sought. He, while inviting the attention of this Court to Annexures P-6 to P-9, submits that it was a matter of record that the mother of the petitioner was suffering from cirrhosis of liver and was thus hospitalized and in a critical condition. She eventually died on 01.05.2022. He submits that compassionate view be taken and one last effective opportunity may be granted to the petitioner to cross-examine PW-1, PW-2 and PW-3.

I have heard learned counsel and perused the material on record.

The petitioner was granted several opportunities to cross-examine PW-1, PW-2 and PW-3, however, he failed to do so.

Be that as it may, if the petitioner is not granted one more

opportunity to cross-examine PW-1, PW-2 and PW-3, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to to cross-examine PW-1, PW-2 and PW-3.

In the wake of the above, without issuing notice to the respondent, to avoid any further delay as well as expenses which the respondent shall have to incur to defend these proceedings, the impugned orders dated 19.04.2022 and 05.05.2022, are set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to cross-examine PW-1, PW-2 and PW-3.
2. In the event of default by the petitioner, the case shall not be adjourned any further for cross-examining PW-1, PW-2 and PW-3 and consequently opportunity to cross-examine these witnesses be deemed to be as nil.
3. This, however, shall be subject to payment of costs in the sum of Rs.10,000/- to be paid to the respondent which shall be a condition precedent.

04.08.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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