

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

129

CR-3905-2022(O&M)
Date of decision: 15.09.2022

UMA HANDA

....Petitioner

Versus

MANJU SHARMA AND ANR.

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kartik Gupta, Advocate
for the petitioner.

MANJARI NEHRU KAUL. J. (ORAL)

The petitioner/defendant is here to impugn the order dated 20.07.2022 (Annexure P-6) vide which opportunity to cross-examine AW3-Arvind Sharma was treated as nil by the Court below.

Learned counsel submits that vide order dated 20.07.2022 (Annexure P-6), it has been recorded that AW3 has been examined completely, whereas on the other hand the cross-examination of AW3 was treated as nil.

Learned counsel submits that it was for genuine reasons beyond control of the petitioner that he could not cross-examine AW3-Arvind Sharma and prays for one last effective opportunity to cross-examine him.

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

The petitioner was granted opportunity to cross-examine AW-3, however, he failed to do so.

Be that as it may, if the petitioner is not granted one more opportunity to cross-examine AW3-Arvinder Sharma, 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 cross-examine AW-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 order dated 20.07.2022 (Annexure P-6), is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to cross-examine AW-3.
2. In the event of default by the petitioner, the case shall not be adjourned any further for cross-examining AW-3 and consequently opportunity to cross-examine the witness be deemed to be as nil.
3. This, however, shall be subject to payment of costs in the sum of Rs.2,000/- to be paid to the respondent No.1 which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

September 15, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>