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

CR No.4143 of 2022 (O&M)

Date of decision: 27.09.2022

Vikram Jeet

....Petitioner

Versus

Usha Rani

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kamal Narula, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 24.08.2022, vide which the trial Court has closed the evidence of the plaintiff/petitioner on account of availing number of opportunities.

Counsel for the petitioner has argued that on an earlier occasion, the plaintiff/petitioner has filed the affidavit in the shape of examination-in-chief of PW-1 Vikram Jeet and PW-2 Mohan Lal as reflected in the order dated 27.09.2022. The cross-examination of both the said PWs was deferred on the request of counsel for the defendant on the pretext that he want to go through the affidavit and therefore, the case was adjourned to 10.08.2022 for cross-examination of both the PWs. Counsel for the petitioner has then referred to the order dated 10.08.2022, where the case was again adjourned subject to cost of Rs.300/- and on the next date of hearing, while passing the impugned order dated 24.08.2022, the evidence of the petitioner/plaintiff was closed as witnesses of the plaintiff i.e. PW-1 Vikram Jeet and PW-2 Mohan Lal, could not come present. It is also argued that the impugned

order is likely to affect the case of the plaintiff/petitioner adversely as in the absence of the cross-examination of both the PWs, their examination-in-chief would not be read in evidence being incomplete statement and therefore, one more effective opportunity be granted to conclude the same.

After hearing the counsel for the petitioner and going through the previous orders passed by the trial Court and in order to avoid any further delay in disposal of the suit, the issuance of notice of motion to the respondent is dispensed with, at this stage and the present petition is allowed and the order dated 24.08.2022, is set-aside.

The trial Court is directed to grant one effective opportunity to the petitioner to get the cross-examination of both the two PWs i.e. PW-1 Vikram Jeet and PW-2 Mohan Lal, completed.

This will, however, be subject to payment of costs of Rs.3,000/- to be paid to the defendant.

It is clarified that in case the said PWs are present in the Court and the counsel for the defendant again failed to cross-examine them, the trial Court will given one more opportunity to conclude the same.

(ARVIND SINGH SANGWAN)
JUDGE

27.09.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No