

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

Sr. No.119

CR-4409-2022

Date of Decision: 14.10.2022

Siddharath Verma

.... Petitioner

Versus

Authorized Officer, Indiabulls Housing
Finance Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Prashant Bansal, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This petition under Article 227 of the Constitution has been filed for setting aside the order dated 09.09.2022 (Annexure P-2) passed by trial Court, whereby the petitioner/plaintiff's evidence has been closed.

Learned counsel submits that affidavit of PW-1 Siddharath Verma was tendered in Examination-in-Chief on 09.12.2021 and the cross examination was deferred on the request of learned counsel for the defendants to 07.01.2022. However, on that date, due to outbreak of Covid-19 pandemic, the witness could not be cross examined and the case was adjourned. Again, it was adjourned due to the pandemic on 04.02.2022. On the next date, i.e., 11.03.2022, the witness PW-1 was cross examined by defendants No.1 and 2, further cross examination by defendants No.4 and 5 was deferred on request to 08.04.2022. Thereafter, the witness could be present on account of some miscommunication by his counsel before the trial Court. Learned counsel further submits that except the cross examination of PW-1 by defendants No.4 and 5, no further evidence is required to be adduced by the petitioner/plaintiff, therefore, he should be allowed only one opportunity for the purpose.

In view of the aforesaid facts and in the interests of justice, the present petition is allowed and the order dated 09.09.2022 (Annexure P-2) is set aside to the extent the petitioner/plaintiff's evidence has been closed. The petitioner is afforded one last opportunity to present his witness PW-1 before the Court for cross examination by respondent/defendants No.4 and 5 on the next date of hearing, subject to the payment of Rs.25,000/- as costs to the respondents.

No further opportunity shall be granted for the purpose.

(TRIBHUVAN DAHIYA)
JUDGE

14.10.2022
Maninder

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