

CR 5800 of 2022

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

CR 5800 of 2022

Date of Decision: December 09, 2022

Arvind Kumar Mishra

.....Petitioner

Versus

Krishan Kant

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. H.K. Aurora, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

This revision is against order dated 05.09.2022 (AnnexureP-1), whereby right to cross-examine the plaintiff by the defendant was treated as nil. Revision is also against another order dated 07.11.2022 (Annexure P-2) whereby application moved by the defendant under Section 151 CPC seeking permission to cross-examine the plaintiff was declined.

It is revealed that plaintiff (respondent herein) has filed a suit for recovery. The impugned order reveals that issues were framed on 05.02.2018. The plaintiff appeared in the witness-box and offered himself for the purpose of cross-examination several times but every time his cross-examination was to be deferred on the request of the counsel for the defendant for one or the other reason. It was in these circumstances that cross-examination was directed to be treated as nil by way of the impugned order dated 05.09.2022 and the application for permission to review this order was declined.

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3. It is contended by the counsel that it was due to some unforeseen circumstances that plaintiff could not be cross-examined by the counsel for the defendant and that defendant requires one opportunity to cross-examine the witness.

4. Heard.

5. Revision is disposed of with the direction to provide one opportunity to defendant to cross-examine the plaintiff, subject to ₹10,000/- as costs to be paid by the defendant to the plaintiff by way of a demand draft. Impugned order is set aside. The trial Court is directed to fix a date for the purpose of cross-examination of the plaintiff.

6. This order has been passed without serving notice to the respondent in order to avoid any delay in the matter. However, if the respondent-defendant is aggrieved by this order, he can approach this Court.

December 09, 2022

sarita

(DEEPAK GUPTA)

JUDGE

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