

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

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2024:PHHC:052742
CRM-M-19074-2024
Date of decision: April 19th, 2024

M/s Shriram Transport Finance Company Limited
.....Petitioner
Versus
Satnam Masih
....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the order dated 22.03.2024 (Annexure P-1) passed by learned JMIC, Gurdaspur, whereby the evidence of the petitioner-complainant was closed in case bearing No.NACT/906 dated 19.12.2019.

2. Learned counsel submits that due to fiscal year ending, CW Hitesh Manhas, who is the special power of attorney holder of the complainant, could not appear in the Court for his cross-examination on 22.03.2024 and resultantly, the evidence of the complainant was closed by the Court vide the impugned order. Learned counsel submits that one last opportunity may be granted to the petitioner for cross-examination of the said witness, else he would be seriously prejudiced.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. It is a matter of record that the petitioner was granted several opportunities to lead his evidence, however, he failed to do so.

5. Be that as it may, if the petitioner is not granted one more opportunity to conclude his evidence, he would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for the just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner for cross-examining CW Hitesh Manhas.

6. Hence, without issuing notice to the respondent, so as to avoid any further delay as well as expenses which the respondent would have to incur to defend these proceedings, the impugned order dated 22.03.2024 is set aside. The instant petition is allowed in the following terms:-

1. The petitioner is granted only **one** effective opportunity for cross-examination of CW Hitesh Manhas.
2. In the event of default by the petitioner, the case shall not be adjourned any further under any circumstances for the said purpose; in case the petitioner fails to cross-examine CW Hitesh Manhas on the give date, the trial Court shall proceed with the trial without affording any further adjournment.
3. This, however, shall be subject to payment of costs in the sum of ₹25,000/- to be paid to the District Legal Services Authority, Gurdaspur, which shall be a condition precedent.

April 19th, 2024

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No