



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

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**CR-5137-2024 (O&M)
Date of Decision : 23.10.2024**

M/s GOUMI CREATIONS AND ANR Petitioners

VERSUS

M/s RAMMA HOSIERY WORKS Respondent

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunny K. Singla, Advocate for the petitioners.
Mr. Bhavesh Aggarwal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India by the defendant-petitioners challenging the order dated 01.04.2024 whereby the opportunity to cross-examine PW-1, namely, Rohit Kumar has been treated as ‘nil’ as also the order dated 26.07.2024 whereby the application filed for recalling of the order dated 01.04.2024 was dismissed.
2. Learned counsel for the defendant-petitioners would submit that no doubt numerous dates were taken to complete the cross-examination of PW-1 and costs were also imposed for not cross-examining the said witness. However, it is the contention that the defendant-petitioners offered to pay costs to PW-1 but he declined to receive the same. Thereafter, on the date when the impugned order was passed i.e. 01.04.2024 a request for deferring the cross-examination of PW-1 was made on the ground that some

documents had been applied for. It is further the contention that given one opportunity the defendant-petitioners would conclude the cross-examination of PW-1 and that the defendant-petitioners are also willing to compensate the plaintiff-respondent by way of costs.

3. *Per contra*, learned counsel for the plaintiff-respondent would contend that despite numerous opportunities the cross-examination of PW-1 was not completed and the same was being deferred time and again only in order to delay the proceedings. Learned counsel for the plaintiff-respondent has pointed out that counsel for the defendant-petitioners normally comes at 3:30 p.m. and thereafter the matter is adjourned as Court time is over.

4. In response learned counsel for the defendant-petitioners undertakes that the counsel would be present at 10:00 am in the morning and would start the remaining cross-examination of PW-1 and that he would not extend the cross-examination beyond one day.

5. Heard.

6. In the present case the suit is for recovery of an amount of ₹3,39,818.71 and in case the opportunity to cross-examine PW-1 is treated as 'nil', despite the said witness having been partly cross-examined, the same would cause irreparable loss to the defendant-petitioners. Keeping in view the totality of circumstances as well as to do complete justice between the parties, one opportunity is granted to the defendant-petitioners to complete the cross-examination of PW-1, namely, Rohit Kumar subject to payment of ₹30,000 as costs to be paid to the plaintiff-respondent. It is made clear that payment of costs shall be a condition precedent. As undertaken by

the counsel for the defendant-petitioners, their counsel shall commence the cross-examination at 10.30 am and shall conclude the cross-examination on the same day. The defendant-petitioners shall not be granted more than one opportunity under any circumstance for cross-examining the said witness. In case the defendant-petitioners fails to avail the said opportunity, the present revision petition shall be considered as having been dismissed.

7. Disposed off. Pending applications, if any, also stand disposed off.

23.10.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*