

Civ DJ 39/2014  
10404/16  
PARAMJEET KAUR KOHLI Vs. RANI

12.07.2019

Pr: Sh.Baljeet Singh, Ld.counsel for plaintiff.

Sh.Puran Chand, Ld.counsel for defendant with defendant in person.

Today, it is submitted by ld.counsel for plaintiff that although he has received copy of application but he will lead arguments rightaway without filing any reply.

**Arguments heard and record perused.**

Vide the present application, defendant has prayed for recalling of PW1 for her further cross examination. In support of the application, it is orally submitted by Ld.counsel for defendant that in the year 2016, when PW1 was cross examined, he was not coming to the courts due to some operation and the counsel engaged by the defendant had not cross examined PW1 on certain important facts. Therefore,

vide the present application, ld.counsel for defendant has prayed for recalling of PW1 for her effective cross examination, in the interest of justice.

Said prayer has been passed opposed to by Ld.counsel for plaintiff, who submits that PW1 has been cross examined at length by the ld.counsel for defendant on two occasions i.e. firstly, on 10.05.2016 and secondly, on 20.09.2016 and ground raised by ld.counsel for defendant in his oral submission that he had undergone some operation in 2016 has not been specifically mentioned in the application. Accordingly, he has made a prayer for dismissal of the application.

Although it is true that PW1 has been cross examined at length on two occasions i.e. on 10.05.2016 and 20.09.2016 by ld.counsel for defendant and it is also true that in the application filed by defendant, reason for non-appearance of ld.counsel for defendant in 2016 has not been

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mentioned but still in the interest of justice, for the purpose of effective cross examination of PW1, one more opportunity is granted to the ld.counsel for defendant to cross examine PW1 subject to cost of Rs.1,000/-. It is made clear to the ld.counsel for defendant that he is granted only one opportunity to cross examine PW1 and no further adjournment shall be granted to him for any ground whatsoever if witness is present for the cross examination.

**Put up on 21.09.2019 for appearance of PW1 and her cross examination.**

**(Vikas Dhull)  
ADJ-01/West/THC  
Delhi**