

Title Suit 01/ 2023

10.07.2024

1. Both the sides are represented.
2. Seen the report submitted by the advocate commissioner stating that although the P.W.'s were present to face cross-examination, the defendant counsel had filed adjournment petitions on all the dates fixed for cross-examination.
3. The learned counsel for the plaintiff side has filed a petition vide no. 838/2024 stating that the P.W.'s were present on all the 3 dates before the advocate commissioner but the defendant side didn't cross examine them. As the P.W.'s are very poor people and for their expenditure prayed to pass a necessary order to impose cost upon the defendant.
4. I have heard, perused the case record. On perusal of the case record it reveals that already 5(five) no.s of dates have been fixed for cross-examination. Out of which the defendant counsel had cross-examine only one P.W. and on the last 3 dates the plaintiff had filed adjournment petitions showing the ill-health of senior engaged counsel as cause.

Contd.....

Title Suit 01/ 2023

10.07.2024

5. Today also no petition is filed by the defendant with a prayer to fix another date for cross-examination of P.W.'s

6. I have heard the learned advocates for the defendant on petition no. 838/2024 who have raised objection on the said petition.

7. Considering all aspects and the fact that defendant has not prayed another date for cross-examination of P.W.'s, the cross-examination of P.W.'s are dispensed with.

8. The petition of the plaintiff seeking cost is rejected.

9. The plaintiff shall take steps against the official witness, if any.

Fix 30.07.2024 for evidence of official witness.