

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

Date of decision:24/12/2014.

Naranjan Dass

.....Petitioner

v.

Lakhbir Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sanjeev Pandit,Advocate and
Mr.Balbir Kumar Saini,Advocate for the petitioner.

Jaswant Singh,J.(Oral)

Plaintiff no.1 is in revision aggrieved by the order dated 2.12.2014 passed by the learned Civil Judge (Senior Division)(NIT) Jalandhar whereby his application for permitting further cross examination of DW-1,DW2 and DW-3, after their cross examination was declared as “Nil” on 13.10.2014, has been dismissed.

It is apparent that on three different dates DW-1,DW2 and DW-3 were present for their cross examination, which was not conducted on behalf of the plaintiff for one reason or the other resulting into the passing of the order dated 13.10.2014 whereby cross examination of DW-1,DW2 and DW-3 was declared as “Nil”.

Having heard learned counsel for the petitioner/plaintiff this Court finds no illegality in the order dated 2.12.2014, however, keeping in view the *lis* between the parties and the interest of justice, it

is deemed expedient to grant one opportunity to the plaintiff to cross examine DW-1,DW2 and DW-3 at his own risk and responsibility subject to payment of heavy costs.

Accordingly, present revision petition is allowed, order dated 2.12.2014 is set aside with a direction that the learned trial court on the next date, or on a date to be fixed by it, shall grant one opportunity to the plaintiff to conduct the cross examination of DW-1,DW2 and DW-3 subject to payment of Rs.5000/- to each of the witnesses (i.e. DW-1,DW2 and DW-3) besides another sum of Rs.5000/- to be deposited as costs with District Legal Service Authority, Jalandhar, as a condition precedent.

Allowed in the above terms.

24.12.2014
joshi

(Jaswant Singh)
Judge