

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

Date of decision:16.02.2015.

Gurpreet Singh

.....Petitioner

v.

Amrinderjit Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Krishan Sehajpal,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner/defendant is in revision aggrieved by the order dated 28.1.2015 (P-1) passed by Civil Judge (Junior Division) Jalandhar whereby in a suit for recovery, cross examination of PW1 to PW3 has been treated as “nil”.

It is contended that the dispute is between real brothers and the petitioner/defendant solely cannot be held liable for not cross examining said Pws, as on previous so many dates, no PW was present for cross examination. In support, reference has been made to various zimni orders reproduced in the revision petition. It is prayed that one effective opportunity to cross examine the aforesaid witnesses, subject to appropriate costs, be granted to the petitioner/defendant, as it would not prejudice the respondent/plaintiff in any manner and would rather assist the Court in deciding the *lis* effectively.

After hearing the learned counsel and perusing the paper book, I deem it expedient in the interest of justice to grant one effective opportunity to the petitioner/defendant to cross examine PW1 to PW3 subject to payment of costs.

Accordingly, present revision petition is allowed, impugned order dated 28.1.2015 (P-1) is set aside and petitioner/defendant is granted one effective opportunity to cross examine PW1 to PW3 on a date to be fixed by the trial Court, subject to payment of costs of Rs.2500/- to the plaintiff/respondent, and another cost of Rs.2500/- to be deposited with District Legal Service Authority, Jalandhar. Payment of costs shall be a condition precedent for availing the opportunity so granted.

This order is being passed without issuing notice to the respondent/plaintiff, in order to avoid further delay in the matter and save the respondent/plaintiff from bearing unnecessary litigation expenses. Moreover, he has been suitably compensated by way of payment of costs.

16.02.2015
joshi

(Jaswant Singh)
Judge