

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1228 of 2015

Date of decision: February 20, 2015.

Suman Gupta and another

... **Petitioners**

v.

Varinder kumar etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Ram Lal Gupta, Advocate, for the petitioners.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for the petitioners, referring to the impugned orders dated 7.10.2014 and 20.1.2015, urges that examination-in-chief of Dr. Shiv Dutt Gupta, plaintiff was completed and his cross examination had remained, but the evidence of the plaintiffs has been closed whereas counsel for the plaintiffs was under a mistaken belief that some other date for closure of evidence had been given, whereas the evidence was closed on 7.10.2014 itself. It is urged that only cross examination of Dr. Shiv Dutt Sharma is to be made.

No notice is being issued to the respondents in order to obviate delay, more so when no prejudice is likely to be caused to the respondents in view of the nature of order which this Court proposes to pass.

It is not understandable as to why the court adjourned the case

for cross examination. In any case, Dr. Shiv Dutt Sharma is one of the plaintiffs and is one of the crucial witnesses. Without his cross examination, his examination-in-chief will not be read into evidence. It will cause great prejudice to the plaintiffs.

Keeping in the view the factual matrix and attending circumstances, the impugned orders are set aside and one opportunity is granted to the petitioner-plaintiffs to produce Dr. Shiv Dutt Sharma, who would be cross examined on the same day by counsel for the defendant, respondents herein. The lower court would ensure that the counsel for the defendant cross examines the witness on the date fixed by it.

The petition stands disposed of.

February 20, 2015.
kadyan

[Dr. Bharat Bhushan Parsoon]
Judge