

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

Civil Revision No.1332 of 2013 (O&M)

Date of decision: 20.04.2015

Sukhwinder Kaur

... Petitioner

versus

Sarup Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Namit Gautam, Advocate,
for the petitioner.

Mr. K.S. Boparai, Advocate,
for respondent No.1.

Mr. Vaibhav Sehgal, Advocate,
for respondents 2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The first defendant in suit has sought for recalling of all the plaintiff's witnesses after engaging a new counsel contending that the earlier cross-examination was inept and she must be therefore granted an opportunity to cross-examine all the witnesses. According to the petitioner, her own sisters, who are defendants 2 and 3, had filed written statement denying the Will propounded by the plaintiff. After the plaintiff's side was closed, defendants 2 and 3

have filed affidavits in lieu of examination in chief admitting the Will propounded by the plaintiff. It was at that time that she came to know about the collusion of defendants 2 and 3 and the inadequate cross-examination conducted by the counsel appearing on behalf of all of them.

2. I have seen through the evidence of witnesses of the plaintiff and the cross examination made. There is no admission of the plaintiff's right and the Will propounded by the plaintiff is suggested to be false in the course of cross examination. Even the plaintiff's possession was denied in cross-examination. I cannot gather from the cross-examination that anything has been given up to grant the luxury to the petitioner a right to recall all the plaintiff's witnesses for fresh cross examination. If the trial court has not thought it fit to afford such an opportunity, I will find no reason to interfere in such a discretionary exercise.

3. If the defendants 2 and 3 have changed colours in the perception of the petitioner and if they have admitted the Will which they have been previously denied, I will allow the benefit of cross-examination to the petitioner as a co-defendant which will follow after the plaintiff's cross examination. The petitioner will likewise be permitted to be cross examined by defendants 2 and 3, as well, on the basis of their own statement, before the plaintiff cross examines the petitioner.

4. Subject to these directions, the order already passed stands confirmed and the civil revision is disposed of with the above observations.

(K.KANNAN)
JUDGE

20.04.2015
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