

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

**Date of decision:09.01.2015**

Kuljit Singh and others

.....Petitioners

v.

Surinder Kumar and others

.....Respondent

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH**

Present:- Mr.Deepali Puri,Advocate for the petitioners

**Jaswant Singh,J.(Oral)**

Defendants 1 to 4, who are vendors of the suit property are in revision assailing the order dated 3.7.2014 (P-3) passed by learned Civil Judge (Junior Division)Ludhiana whereby cross examination of PW1 and PW2 has been treated as “Nil”; further challenge is to the order dated 10.11.2014 (P-6) passed by the trial Court whereby their application for recalling the order dated 3.7.2014 has been dismissed.

By referring to zimni orders reproduced at pages 5 and 6 of the paper book, it is submitted that on all the previous dates of hearing, PW1 and PW2 were either not present for their cross examination or could not be examined due to non-holding of the Court proceedings by the trial Court. On the said date i.e. 3.7.2014 counsel for the defendants/ petitioners was present in Court before lunch but Pws 1 and 2 were not present for their cross examination, however, after lunch on the availability of Pws 1 and 2, counsel for the defendants/petitioners was busy in conducting another case which culminated into passing of the impugned order.

It is thus contended that defendants/vendors were not in any manner negligent in pursuing their case and therefore, deserve one

opportunity to complete cross examination of Pws 1 and 2 on a date to be fixed by the trial Court. It is further submitted that evidence of plaintiff is yet to be concluded.

In view of the aforesaid facts and circumstances, present revision petition is allowed, impugned orders dated 3.7.2014 (P-2) and 10.11.2014 (P-6) are set aside and petitioners/defendants (vendors) are granted one opportunity to cross examine Pws 1 and 2 on a date to be fixed by the trial Court subject to petitioners paying a sum of Rs.3000/- as costs to contesting respondent/plaintiff by way of demand draft. Payment of costs shall be a condition precedent for availing said opportunity.

09.01.2015  
joshi

**(Jaswant Singh)**  
**Judge**