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

CR No.3044 of 2015

Date of decision: May 06, 2015

Karnail Singh

.....Petitioner

Versus

Darshan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anil Chawla, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 28.01.2015 and 11.02.2015.

Learned counsel for the petitioner has submitted that respondent No.1 has filed suit for joint possession. Respondent No.1 was examined-in-chief on 23.01.2015 and the case was adjourned to 28.01.2015 for cross-examination of respondent No.1. However, on the said date, the counsel for the petitioner was busy in another Court and the case was adjourned to 29.01.2015. Counsel for the petitioner was under the impression that the cross-examination of respondent No.1 had been deferred to the next day, whereas, later it transpired that the cross-examination of respondent No.1 had been ordered to be treated as Nil on 28.01.2015. Respondent No.1 had only examined himself as a witness and had closed his evidence on 29.01.2015. In case, petitioner is

not permitted to cross-examine respondent No.1, he would suffer an irreparable loss.

In the present case, respondent No.1 has filed suit for joint possession. Petitioner and respondent No.1 are real brothers. Plaintiff-respondent No.1 has only examined himself as a witness. In case, petitioner is not permitted to cross-examine respondent No.1, he will suffer an irreparable loss. If petitioner is permitted to cross-examine respondent No.1, the trial Court will be in a position to dispose of the *lis* between the parties in a fair, just and more effective manner.

Accordingly, this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to cross-examine PW1-Darshan Singh, subject to payment of ₹5,000/- as costs. Costs be deposited with the District Legal Services Authority, Amritsar. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

May 06, 2015

m.singh