

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3412 of 2015
Date of Decision: 18.5.2015.**

Baba Bhup Nath alias Bhupender

.....Petitioner

Versus

Manoj and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K.Chauhan, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 27.4.2015 (Annexure P-2).

Learned counsel for the petitioner has submitted that the counsel for the defendants had failed to cross-examine the witnesses examined by the petitioner and their cross-examination was treated as nil. Therefore, there was no occasion to recall the witnesses for the purposes of cross-examination.

Petitioner has filed suit for declaration. On 25.8.2014, petitioner examined three witnesses. The cross-examination of the said witnesses was treated as nil as the counsel for the defendants had failed to cross-examine the said witnesses. However, on the same day, an application was moved by the counsel for the

defendants for recalling the said witnesses for the purposes of their cross-examination. Although, the counsel for the defendants was expected to cross-examine the witnesses on 25.8.2014 but due to this reason, defendants cannot be made to suffer. Moreover, if the witnesses are permitted to be cross-examined by the defendants, the *lis* between the parties will be disposed of on merits. In the facts and circumstances of the present case, the impugned order appears to be just and fair. The Trial Court has also awarded costs to the witnesses who are to be summoned for cross-examination.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 18, 2015
Gurpreet