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

CR No.4491 of 2015

Date of decision: July 20, 2015

Jagmohan Singh

.....Petitioner

Versus

Manmohan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Yogesh Chaudhary, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 26.02.2015, whereby, cross-examination of PW2 and PW7 was treated as Nil.

Learned counsel for the petitioner has submitted that PW2 and PW7 could not be cross-examined as the counsel for the petitioner was not feeling well. Although, PW2 and PW7 were partly cross-examined on three dates, but their cross-examination could not be concluded as the counsel for the petitioner was not feeling well on 12.02.2015 and 26.02.2015. Learned counsel has further submitted that petitioner be granted one opportunity to enable him to cross-examine PW2 and PW7.

Respondent No.1 has filed suit for declaration qua joint Hindu family coparcenary property and suit for partition. In case, petitioner is not allowed to cross-examine

PW2 and PW7, petitioner shall not be able to put-forth his defence. In case, petitioner is permitted to cross-examine PW2 and PW7, the trial Court will be in a position to dispose of the *lis* between the parties on merits in a more effective manner.

Accordingly, keeping in view the interest of justice, this petition is allowed. Trial Court is directed to grant one effective opportunity to the petitioner to enable him to cross-examine PW2 and PW7, subject to payment of ₹10,000/- as costs. Costs be deposited with the District Legal Service Authority. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

July 20, 2015
m.singh