

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

(112)

CR No.4741 of 2015

Decided on: July 30, 2015.

Baljinder Kaur

.... Petitioner

Versus

Lehmber Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sanjeev Kumar Bawa, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is plaintiff's revision petition against order dated 21.11.2014 passed by Additional Civil Judge (Junior Division), Phillaur vide which the evidence of the plaintiff has been closed by order.

With the assistance of learned counsel for the petitioner, I have gone through the interim order passed by the Court below.

It appears that PW-2 Jagroop Singh was examined by the Court on 08.05.2014. Thereafter, his cross-examination could not be conducted.

In the interest of justice and fairness, I am of the considered opinion that an opportunity should have been granted to the defendant-respondent to cross-examine the said witness by enabling the plaintiff-petitioner to produce the said witness.

Without entering into the controversy regarding the reasons for non-production of said witness, this petition is disposed of with a direction that trial Court shall give one opportunity to the plaintiff-petitioner to produce PW-2 Jagroop Singh by fixing a date of hearing in order to enable

the defendant-respondent to cross-examine the witness. It is made clear that in case the counsel for the defendant-respondent does not appear or fail to cross-examine the said witness, it will be open to the trial Court to consider the circumstances in the light of the provisions of Order 17 Rule 2 (e) CPC and pass any appropriate order.

Since this petition is disposed of in limine on the basis of information supplied by the petitioner that though the evidence was closed on 21.11.2014 but till date the evidence of the defendant has not been completed and the witnesses of the defendant-respondent are to be cross-examined on 23.08.2015, with an objective to save the unnecessary litigation expenses of the defendant-respondent and for early disposal of the case, it is ordered that in case the order is not acceptable to the defendant-respondent, it will be open to the defendant-respondent to approach this Court for review of the order.

It is made clear that the plaintiff-petitioner will pay a costs of R.5,000/- to the defendant-respondent, before he is permitted to produce PW-2 for cross-examination on the date fixed.

(M.M.S. BEDI)
JUDGE

July 30, 2015
harsha