

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.496 of 2015 (O&M)
Date of Decision: 19.02.2015

Mohinder Kaur and others

...Petitioners

Versus

Gurdeep Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Divanshu Jain, Advocate
for the petitioners.

Mr. Mayank Mathur, Advocate
for respondent Nos.1 to 3.

Mr. Pawan Kumar Longia, Advocate
for respondent No.6.

R.P. Nagrath, J. (Oral)

There is no representation on behalf of respondent Nos.4 and 5, despite service.

Petitioners have invoked the jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the orders dated 12.02.2014 (Annexure P-4) passed by the learned trial Court whereby the prayer to set aside the ex parte order was dismissed and the subsequent order dated 20.11.2014 (Annexure P-7) vide which petitioners were allowed to join the proceedings at that

stage. It is submitted that PW-1 was already examined by the respondents while the petitioners were ex parte.

The written statement was already filed by the petitioners before they were proceeded ex parte on 12.02.2014. The other witnesses examined by the plaintiffs have since been cross-examined by the petitioners. When the matter was listed on 21.01.2015, following order was passed:-

“It is inter alia contended that the ex parte proceedings have been set aside but permission to cross-examine one witness who was examined before ex parte proceedings were set aside was not granted by the trial Court. It is further contended that the petitioners have cross-examined the other witnesses examined by plaintiff-respondents and the case is still at the stage of plaintiffs' evidence. Learned counsel for the petitioners submits that given only one opportunity, the petitioners shall cross-examine the said witness.

Notice of motion for 19.2.2015.

*Process **dasti** as well.”*

After hearing learned counsel for the parties and having perused the impugned orders and also the paper book, the instant petition is allowed and petitioners are permitted to cross-examine PW-1 subject to payment of ₹ 15,000/- as costs to be paid to respondent No.1 by way of bank draft in her name on the date which has already been fixed before trial Court.

The trial Court shall then adjourn the case for cross-examination of PW-1, but the petitioners shall not be granted any further concession if despite presence of plaintiff-respondent No.1, the cross-examination is not conducted.

19.02.2015
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(R.P. Nagrath)
Judge