

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

**CR-5041 of 2014
Decided on: May 13, 2015**

Smt. Harbhajan Kaur **.... Petitioner**
Versus

S. Dilbag Singh **..... Respondent**

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

Present: Mr. Chanan Singh, Advocate
for the petitioner.

Respondent ex parte.

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

This is plaintiff's revision petition against the order dated 8th May, 2014, closing the evidence of the plaintiff by order, several effective opportunities having already been granted to the plaintiff-petitioner.

Learned counsel for the petitioner has submitted that one Lakhbir Singh who had been examined-in-chief as PW 3 was not able to come on 8th May, 2014 before the Court for cross-examination. He is a material witness. Counsel does not press for examination of any other witness.

Vide order dated 2nd August, 2014, while issuing notice of motion, trial Court was directed to adjourn the case beyond the date of hearing fixed before this Court. The respondent has opted not to appear despite service implying thereby that he does not want to oppose the present petition.

Without expression of any opinion on merits of the case, petition is allowed only to the extent that petitioner will be given two

effective opportunities to produce PW 3-Lakhbir Singh at his own responsibility subject to payment of cost of Rs.5,000/- to be paid to the respondent. Petitioner is directed to appear before the trial Court on next date of hearing and offer costs of Rs.5,000/- to the respondent. On payment of costs, the trial Court will fix a date for cross-examination of PW 3-Lakhbir Singh. It is observed that in case counsel for the defendant-respondent for any reason fails to cross-examine the witness, it will be open to the trial Court to pass any order under Order 17 Rule 2 sub-rule (e) CPC.

It is made clear that in case costs is not offered on the next date of hearing then this petition will be deemed to have been dismissed.

(M.M.S. BEDI)
JUDGE

May 13, 2015
m. sharma