

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

**Civil Revision No.5452 of 2015
Date of Decision: August 24, 2015**

Sukhdev Singh

.... Petitioner

vs.

Emanuel Anwar Masih

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 31.07.2015 (Annexure P-4) passed by learned Addl. Civil Judge (Sr. Divn.), Amritsar and also impugned is the order dated 13.02.2015 (Annexure P-1), vide which the cross-examination of PW1 and PW2 was treated as nil and later on request for recalling of the said order was declined.

A perusal of the file shows that a suit has been filed by the plaintiff for specific performance of the agreement to sell dated 10.11.2008. Admittedly, the plaintiff as PW1 and witness Azad Kishan as PW2 were examined-in-chief. Learned counsel for the defendant could not cross-examine the plaintiff and his witness on three dates.

Therefore, the cross-examination of the said witnesses was treated as nil vide order dated 13.02.2015 (Annexure P-1). Later on request made by the defendant for recalling of the said order was declined.

I am of the view that there is apparent negligence on the part of learned counsel for the defendant to examine the most important witnesses of the case.

Learned counsel for the petitioner has contended that the defendant-petitioner is an illiterate person and now he has changed his counsel. He has stated that keeping in view the importance of the subject matter of the litigation, the defendant-petitioner should be given one more opportunity to cross examine the said witnesses.

In view of the matter, without issuing notice to the respondent, the impugned orders are set aside to the extent that the defendant is granted one more opportunity to cross-examine the plaintiff and his witness Azad Kishan, subject to payment of ₹1,000/- each to the said witnesses and ₹5,000/- as costs to be deposited in the District Legal Aid Funds. However, no further time shall be granted.

The present revision petition is allowed accordingly.

August 24, 2015
sarita

(KULDIP SINGH)
JUDGE