

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6165 of 2015
Date of decision : September 18, 2015

Palwinder Singh

..... Petitioner

Versus

Paramjit Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P. S. Rana, Advocate
for the petitioner.

1. Whether reporters of 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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 21.7.2015 whereby cross-examination of PW-1-Paramjit Kaur has been treated as 'Nil'.

Learned counsel appearing on behalf of the petitioner submits that in case, one opportunity is granted the petitioner-defendant, through his counsel, shall cross-examine the aforementioned witness.

I have heard learned counsel for the petitioner and appraised the paper book.

The reason assigned for not cross-examining the witness PW-1 is that on 1.7.2015 the trial court had adjourned the matter to 21.7.2015 for cross examination of PW-1 and also for

remaining plaintiff evidence and it was the first date for cross examination. On 21.7.2015 the cross-examination was treated as Nil. Therefore, the court took such an extreme step. The zimini orders dated 1.7.2015 and 21.7.2015 reads thus:-

“Present: Shri S. S. Randhawa, Adv counsel
for the plaintiff
Shri G. S. Randhawa, Adv for the
defendant.

No PW is present. On request, case is adjourned to 21.7.2015 for cross-examination of PW-1 and also for remaining plaintiff evidence.”

Sd/- Etu Sodhi
CJ/JD 1.7.2015

Order dated 21.7.2015

On SA
PW-1
Paramjit Kaur wd/o Malook Singh
(Recalled for cross-examination
Xxxxxxx
Nil opportunity given.

Sd/- Etu Sodhi
CJ/JD 21.7.2015

Sd/-Paramjit Kaur”

The non-cross-examination of PW-1, in my view, has rendered mis-carriage of justice to petitioner-defendant. No prejudice would be caused to the respondent-plaintiff in case, one opportunity is granted to the petitioner-defendant to cross examine PW-1 Paramjit Kaur.

Keeping in view the aforementioned fact, the impugned order is set aside. The revision petition is allowed. The petitioner-defendant is granted one opportunity to cross-examine PW-1-Paramjit Kaur subject to payment of costs of ₹10,000/- to the

respondents.

It is made clear that the payment of costs would be condition precedent before availing the opportunity to cross-examine PW-1 Paramjit Kaur.

(AMIT RAWAL)
JUDGE

September 18 , 2015
archana