

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

**C.R. No. 6219 of 2015 (O&M)**

**Date of decision:- 21.09.2015**

Santokh Singh and anr.

...Petitioners

Versus

Satpal Singh @ Sonu and others

...Respondents

***CORAM: HON'BLE MS. JUSTICE RITU BAHRI***

Present:- Mr. Ashish Aggarwal, Advocate  
for the petitioners.

**RITU BAHRI J.(Oral)**

Plaintiff/Petitioner (for short 'petitioner') has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 10.08.2015 (Annexure P-3) passed by learned Addl. Civil Judge (Sr. Divn.), Khadoor Sahib, Distt. Tarn Taran, vide which the application filed by the petitioners for seeking permission to recall D.W.1 and D.W.8 for the purpose of their cross examination has been declined and order dated 07.07.2015 whereby cross examination of D.W.1 and D.W.8 has been recorded as NIL.

Learned counsel for the petitioner submits that the issues were framed by the trial Court on 30.10.2013 and the petitioners had concluded their evidence by examining all the witnesses and then the case was listed for the defendants evidence, on which D.W.1 had stepped into the witness box and tendered his affidavit on 27.04.2015 and the case was adjourned for 11.05.2015 for the purpose of cross examination of D.W.1 but on that date,

neither D.W.1 nor any other witness of the defendants had stepped into the witness box and matter was adjourned to 19.05.2015 and thereafter to 07.07.2015 for the purpose of cross examination of D.W.1, D.W.6 and D.W.8 and on that date, as the counsel for the plaintiff was busy in another Court and when he reached the Court, he came to know at about 12.05 P.M that the cross examination of D.W.1 and D.W.8 had been recorded Nil and the case was adjourned and on the same very date, learned counsel for the plaintiff moved an application for seeking permission to cross examine the above said witnesses, which was also dismissed on 10.08.2015.

Learned counsel for the petitioners has further informed the Court that the matter is still pending for arguments.

I have heard learned counsel for the petitioner and perused the case file.

For a fair decision of the suit, orders dated 10.08.2015 (Annexure P-3) and 07.07.2015 (P-1) are hereby set aside and the instant revision petition is **allowed** and the petitioners are given one effective opportunity to cross examine D.W.1 and D.W.8 on 28.09.2015 i.e the date fixed before the Court below, subject to payment of Rs.10000/- as cost, to be given to the respondents.

September 21, 2015  
G Arora

( **RITU BAHRI** )  
**JUDGE**