

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

**CR No.7059 of 2015
Date of decision: 20.10.2015**

Mukhtiar Singh

....Petitioner

Versus

Davinder Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. K.S. Rekhi, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has come up in revision against the order dated 08.09.2015, passed by the Civil Judge (Jr. Division), Amritsar, whereby the application under Section 151 CPC of the petitioner for getting his cross-examination conducted by the respondent was dismissed.

A perusal of the order shows that the evidence of the petitioner/plaintiff was closed on the statement made by him and not by order of the trial Court by observing that he had taken 27 opportunities to conclude his evidence.

Reference has been made to the judgment “**Boor Singh @ Dalbir Singh vs. Hardev Singh**”, 2007 (4) CCC 485

(P&H), wherein an opportunity was granted to the plaintiff to appear as his own witness in the case where evidence of the plaintiff was closed by order of the Court. However, in the present case, the plaintiff/petitioner had himself closed his evidence and therefore, his application under Section 151 CPC was dismissed.

The plaintiff, in the present suit, had examined only three witnesses including himself, however his cross-examination could not be conducted. The trial is at the stage of defendant's evidence.

So, keeping in view the above facts and circumstances, the order dated 08.09.2015, passed by Civil Judge (Jr. Division), Amritsar, is hereby set-aside and one opportunity is being granted to the plaintiff/petitioner to get his cross-examination done, subject to payment of cost of Rs.10,000/- to be paid to the defendants.

(RITU BAHRI)
JUDGE

20.10.2015
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