

127

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

CR-7362-2015

Date of decision : 03.11.2015

JANGJEET SINGH

...PETITIONER

VERSUS

RANJEET SINGH

..RESPONDENT

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mohinder Singh Joshi, Advocate
for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come in civil revision against the order dated 29.09.2015 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Tohana, District Fatehabad vide which the application for dismissal of the suit filed by the respondent has been dismissed.

A perusal of the impugned order dated 29.09.2015 (Annexure P-1) shows that on 19.08.2015, examination-in-chief of PW Avtar Singh was recorded and his cross-examination was deferred. Thereafter, the plaintiff-Ranjeet Singh appeared and he tendered his affidavit Ex.PW1/A and document Ex.PW2/B in his evidence on 29.09.2015. The trial is fixed for recording the cross-examination of the plaintiff-Ranjeet Singh and PW Avtar Singh.

The grievance of the petitioner is that the affidavit of the plaintiff Ranjeet Singh could not be accepted after the recording the

examination-in-chief of PW Avtar Singh and this was against Rule 3A and Order 18 of the Civil Procedure Code ('CPC' for short).

As per the above-said Rule, while accepting the evidence of the plaintiff Ranjeet Singh, the Court requires reasons.

However, a perusal of the zimini order dated 29.09.2015 shows that on that date, no such reasons have been given for accepting his affidavit.

In the present case, the defendant is to examine only two witnesses. Even though, examination-in-chief of the PW Avtar Singh was recorded on 19.08.2015 and his cross-examination was deferred. Since the trial is now fixed for recording the cross-examination of the plaintiff-Ranjeet Singh as well as PW Avtar Singh.

Consequently, no reason for interference in the impugned order dated 29.09.2015 (Annexure P-1) is made out.

However, it is clarified that the trial Court will record the cross-examination of the plaintiff-Ranjeet Singh prior to the cross-examination of PW Avtar Singh.

Dismissed with the above-said observations.

03.11.2015
yogesh

(RITU BAHRI)
JUDGE