

CR No.7457 of 2014

[1]

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

**CR No.7457 of 2014
Date of decision:27.01.2015**

Mahavir Dutt Sharma and another	...Petitioners
Versus	
State of Punjab and others	...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajan Bansal, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab,
for the respondents.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the order dated 24.07.2014, allowing counsel for defendant no.2 to cross-examine the witness examined by the plaintiffs.

The plaintiffs filed the suit for possession. Both the defendants filed a joint written statement. Plaintiff no.1 Mahavir Dutt Sharma was examined as PW1. He was cross-examined by the counsel for defendant no.1 but it is alleged by defendant no.2 that no opportunity was granted to him to cross-examine the said witness resulting into manifest injustice.

The learned Court below allowed the application on the ground that defendant no.2 has its independent right to cross-examine the said witness.

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Counsel for the petitioners has argued that PW1 was duly cross-examined on behalf of the defendants and even though the representative of defendant no.2 was also present, therefore, defendant no.2 does not have any additional right to cross-examine PW1 especially when both defendants no.1 and 2 had filed a joint written statement.

Counsel for the respondents, however, has submitted that both the defendants have their independent right to cross-examine the witness of the plaintiffs.

I have heard learned counsel for the parties and examined the available record.

In the normal circumstances, defendants no.1 and 2 would certainly had individual rights to cross-examine the plaintiffs' witness but once both have filed a joint written statement through the same advocate and the representative of defendant no.2 was present when PW1 was being cross-examined by counsel for defendant no.1, it has no right to ask for re-calling of the said witness for the purpose of his cross-examination.

In view thereof, the present revision petition is hereby allowed and the impugned order is set aside.

January 27, 2015
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(Rakesh Kumar Jain)
Judge