

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

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**Civil Revision No.7859 of 2015(O & M)
Date of Decision:27.11.2015**

Ch.Bansi Lal Memorial Trust, Bhiwani, and anotherpetitioners

Versus

Shruti Choudhry and and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Puneet Bali, Senior Advocate with
Mr.Ranjit Saini, Advocate
for the petitioners

ARUN PALLI, J.(ORAL):-

Vide this petition, under Article 227 of the Constitution of India, the petitioners have prayed for; issuance of a direction to Civil Judge (Junior Division), Bhiwani, to conclude cross examination of Smt.Nirmal Kanta (DW3) in a time bound manner and for further direction to the trial Court to ensure that the plaintiff be not indulged in putting unnecessary or irrelevant questions to the said witness or made her a tool of harassment and humiliation and to further ensure that cross examination is confined to the controversy in hand i.e.Civil Suit No.294 of 2006, titled "Smt.Shruti Chaudhary vs. Ranbir Singh Mehendra and others".

Learned senior counsel for the petitioners submits that the examination-in-chief of Smt.Nirmal Kanta (DW3), who also happens to be the Chairman of Chaudhary Bansi Lal Memorial Trust, Bhiwani, was recorded on 02.07.2015 and she was cross examined by counsel for defendant No.7. However, pursuant to a prayer for

adjournment by counsel for the plaintiff, the matter was deferred to 13.07.2015, for further cross examination of the said witness. It is contended that the cross examination of Nirmal Kanta (DW3) was recorded in part on 03.08.2015, 24.08.2015, 07.09.2015, 23.10.2015 and on 13.11.2015, but it remained inconclusive. It is urged that the witness Nirmal Kanta(DW3) has been subjected to a lengthy cross examination, most of which has no reference and relevance to the matter in issue and the whole purpose is to cause harassment and inconvenience to the witness, who is suffering from multiple ailments.

Ex facie, the trial Court is in secession of the dispute and its proceedings and the matter is now listed for 30.11.2015, for further cross examination of Smt.Nirmal Kanta (DW3). If indeed, the petitioners were aggrieved, either, owing to the undue prolongation of her cross examination, or her out of context cross examination, her counsel was free and could always object to such a course and invite appropriate orders from the Court. Be that as it may, the fact remains that the matter is now listed after two days i.e.30.11.2015 and, at this stage, it is deemed appropriate, if the petitioners apprise the trial Court, itself of their grievance, and, though, wholly needless to assert, the trial Court shall proceed strictly in accordance with law. And would conclude the cross examination of the witness i.e.Nirmal Kanta (DW3) at the earliest.

The revision petition is disposed of, in the above terms.

27.11.2015

(ARUN PALLI)
JUDGE