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

CR No.849 of 2015

Date of decision: March 19, 2015

Resham Singh

.....Petitioner

Versus

Ravinder Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Swapanh Shaorey, Advocate
for the petitioner.

Mr. Jatin Salwan, Advocate
for the respondents No.1 to 3.

SABINA, J

Petitioner has filed this petition challenging the order dated 01.12.2014, whereby cross-examination of PW-1 and PW-2, was declared nil.

Learned counsel for the petitioner has submitted that petitioner be granted one opportunity to enable him to cross-examine PW-1 and PW-2. In case, petitioner is not allowed to cross-examine the said witnesses, he would suffer an irreparable loss.

Learned counsel for the respondents No.1 to 3, on the other hand has opposed the petition and has submitted that the petitioner was already granted three opportunities to enable him to cross-examine the said witnesses, i.e. PW-1 and PW-2, but he had failed to do so.

Respondents No.1 to 3 have filed suit for declaration that they were owners-co-sharers in possession of the suit property. Although, petitioner had failed to cross-examine PW-1 and PW-2 despite opportunity, but the fact remains that the evidence of the respondents No.1 to 3 is still going on. In case petitioner is granted one opportunity to enable him to cross-examine PW-1 and PW-2, the *lis* between the parties would be disposed of on merits. Moreover, the plaintiffs can be compensated with costs.

Accordingly, this petition is allowed. Impugned order dated 01.12.2014 is set aside. Trial Court is directed to grant one opportunity to the petitioner to enable him to cross-examine PW-1 and PW-2, subject to payment of ₹10,000/- as costs. Costs be disbursed to the plaintiffs. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

March 19, 2015

m.singh