

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2016.04.21 12:36
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Civil Revision No.2415 of 2016

Date of Decision: 4.4.2016

Ajit Singh Mahi

---Petitioner

versus

Vidya Devi

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. F.S. Virk, Advocate
for the petitioner**

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

Rekha Mittal, J.

The present petition has been directed against order dated 17.2.2016 (Annexure P-4) passed by the Civil Judge (Junior Division), Patiala, whereby cross examination of plaintiff/respondent Vidya Devi has been treated as nil.

Counsel for the petitioner contends that on 27.1.2016, the date previous to 17.2.2016, the trial court recorded two orders reproduced on page 21 of the paper book. It is argued that counsel representing the petitioner/defendant left the court after the case was adjourned to 17.2.2016 but later, the court permitted the plaintiff to tender into evidence her affidavit by way of examination in chief. It is further submitted that on 9.3.2016, none of the witnesses of the plaintiff was present and the case stood adjourned to 4.4.2016 for evidence of the plaintiff. It is vehemently

argued that in case the petitioner is not permitted to cross examine the plaintiff, a serious prejudice would be caused to the petitioner as non-cross examination of Vidya Devi would amount to admission of her claim, reiterated by way of examination in chief.

I have heard counsel for the petitioner, perused the paper book particularly the zimni orders recorded by the trial court with effect from 5.1.2016 onwards including the order challenged in the present proceedings.

It appears that the learned trial court has shut right of the petitioner to cross examine the plaintiff/respondent in a haste without appreciating the implications and consequences of the said order for the contesting party. In the given facts and circumstances, it is expedient in the interest of justice that the petitioner is provided one effective opportunity to cross examine Vidya Devi whose examination in chief was recorded on 27.1.2016.

For the foregoing reasons, the petition stands disposed of in the aforesaid terms. However, the petitioner shall ensure that cross examination of Vidya Devi is conducted on the date, she tendered herself in the witness box for the purpose.

(Rekha Mittal)
Judge

4.4.2016
PARAMJIT