

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3264 of 2016

Date of decision : May 9, 2016

Sham Sunder and another

..... Petitioner

Versus

Bikkar Singh

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Surinder Garg, Advocate
for the petitioner.

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

Amit Rawal, J (oral).

The petitioners-defendants are aggrieved of the impugned order whereby they moved an application for cross-examination of PW-1 and PW-3 on the ground that previous counsel has not put forward the questions in the cross-examination, yet the court below has declined the application and not given an opportunity to the petitioners-defendants to cross-examine.

Learned counsel for the petitioners submits that by putting certain terms by way of costs, the other party can be compensated and the petitioners be granted opportunity to cross-examine the aforementioned witnesses.

I have heard learned counsel for the petitioners,

appraised the paper book and of the view that PW-1 and PW-3 had been cross-examined long time back. This court had come across many cases where the application seeking either additional evidence or any other relief, plea has been taken that owing to the change of counsel certain events have taken place and the petitioner is being made to move an application on the said ground by unsettling the settled things.

Once a particular plea had been taken in the application that cross examination has been done, allowing of such application tantamounts to taking away a right which has already accrued in favour of the respondent-plaintiff. This could not be a case of breach of procedural law but of taking away a valuable right which cannot be permitted.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

May 9 , 2016
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