

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

**CR No.6323 of 2016
Decided on: 23.09.2016**

Parul Jain and another

....Petitioners

Versus

Sonu Sharma

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Deepak Jindal, Advocate
for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 01.09.2016 (Annexure P-1) passed by the Civil Judge (Jr. Division), Rohtak whereby opportunity has been given for cross-examination of PW1 and PW3 for 03.10.2016 in place of cross-examination of PW1 to PW3 on the same day.

Counsel for the petitioners has submitted that the respondent/plaintiff has filed a suit for possession by way of specific performance of agreement to sell dated 25.02.2010 purported to be executed by an attorney of petitioner No.1 (grandfather of Parul Jain). It is further submitted that in case all the three witnesses PW1 to PW3 namely Sonu Sharma (plaintiff) PW1, Bharat Sharma PW2 and Sunil PW3 are not cross-examined on the same day, it would cause prejudice to right of the petitioners as their defence would be disclosed. It is further submitted that the Court below may be directed to ensure presence of Bharat Sharma PW2 as well on 03.10.2016, the day on which Sonu Sharma and Sunil PW1 and PW3 respectively are to be cross-examined.

I have heard counsel for the petitioners and perused the paperbook particularly the orders Annexures P4 and P5.

On 01.09.2016, Sonu Sharma (plaintiff) PW1 and Sunil PW3 were present before the Court for their cross-examination but counsel for the petitioners sought adjournment as Bharat Sharma PW2 was not present on that day with the plea that cross-examination of all the aforesaid witnesses is to be conducted on the same day as cross-examination of two witnesses would result in disclosing their defence. The trial Court dismissed this plea of the petitioner with the findings that such a plea is not legally sustainable.

The petitioners have already disclosed their defence by filing written statement. It is not a criminal case where eye-witnesses of occurrence are desired to be cross-examined on the same day so that no prejudice is caused to the accused in disclosing his defence. In the given facts and circumstances, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

23.09.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No