

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CR-8027-2016

Date of Decision:-22.12.2016

Saloni and another

.....Petitioners

V/S

Hardish Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present : Mr. Parminder Singh, Advocate,
for the petitioners.

Mr. Ashish Gupta, Advocate,
for respondent No.1.

Darshan Singh, J. (Oral)

As per report of the office respondent Nos.2 and 3 has been served through their husband and respondent No.4 has been personally served but no one has put in appearance on their behalf so they are proceeded against ex parte.

2. The present revision petition has been rendered against the order dated November 11, 2016, vide which the opportunity to the petitioners to cross examine DW-6-Hardish Kumar was closed.

3. Learned counsel for the petitioners contended that the valuable rights of the petitioners are involved in the suit. One opportunity may be given to the petitioners to cross examine PW-6-Hardish Kumar at their own responsibility, subject to any condition which the Court may deem just.

4. Learned counsel for respondent No.1 contended that the petitioners have already avail sufficient opportunities to cross examine PW-6-Hardish Kumar, so they do not deserve any further opportunity.

5. The petitioners have file the suit for declaration to challenge the sale deed dated May 6, 2010 executed by respondent No.1 being power of attorney of the petitioner. As the valuable rights of the petitioners/plaintiffs are involved in the suit. The interest of justice requires that they should not be denied the justice on technical grounds.

6. So, the present revision petition is hereby allowed. The petitioners are granted one effective opportunity to cross examine DW-6 Hardish Kumar subject to ₹10,000/- as cost. Respondent No.1- Hardish Kumar will appear before the trial on 06.01.2017 i.e. the date already fixed by the trial Court and the petitioners would complete the cross examination of DW-6 Hardish Kumar on that date.

DECEMBER 22, 2016

pankaj

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No