

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

CR No.1943 of 2017

Date of decision: March 17, 2017

Vijay Pal Sharma

....Petitioner

Versus

Rajpal Sharma

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision petition preferred under Article 226/227 of Constitution of India, petitioner has sought setting aside of the impugned order dated 13th February, 2017 passed by Civil Judge (Junior Division), Gurugram (Gurgaon).

Undisputably, DW-2 Ravinder, Clerk, Nagar Nigam Gurugram was present in the Court and his examination-in-chief was also recorded but due to some reason, he could not be cross-examined, whereas, some of the other witnesses produced by the respondent-defendant were examined and cross-examined but learned trial Court did not consider the request of learned counsel appearing on behalf of the petitioner and has treated the cross-examination of DW-2 Ravinder Kumar, Clerk as 'nil'. On the same day, learned counsel for the petitioner also moved an application for recalling the said order but that was declined. Since other 4-5 witnesses produced by the respondent/defendant were examined and cross-examined. Learned trial Court should have given an opportunity to cross-examine DW-2 Ravinder Kumar also which is not done in the instant case. The treating of the agreement 'nil' of DW-2 Ravinder Kumar, Clerk has caused a

serious prejudice to the petitioner. The trial Court should have taken into consideration the said aspect.

Without commenting on the impugned order, it is *set aside* and the trial Court is directed to afford an effective opportunity to the petitioner for cross-examination of DW-2 Ravinder Kumar, Clerk.

Disposed of.

March 17, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No