

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

Civil Revision No. 2007 of 2017
Date of decision:- March 20, 2017

SARABJIT KAUR AND ANOTHER

...PETITIONERS..

VERSUS

GOBIND SINGH AND OTHERS

...RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Pardeep Singh Mirpur, Advocate,
for the petitioners.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Article 227 of the Constitution of India, the petitioners/plaintiffs have sought setting aside of order dated 02.03.2017 whereby the cross-examination of DW-Gurmeet Singh has been ordered to be treated as NIL.

2. While assailing the impugned order dated 02.03.2017, learned counsel for the petitioners/plaintiffs contends that DW-Gurmeet Singh could not be cross-examined on 02.03.2017 due to the reason that learned counsel appearing on behalf of the petitioners-plaintiffs was to go out of station on account of personal work. For that reason, even on 01.03.2017, an application was moved for pre-poning the date of hearing of the civil suit for the purposes of cross-examination of DW-Gurmeet Singh. However, that application was declined. Even on 02.03.2017 since the regular counsel was out of station, an application seeking some accomodation was moved but

that was also declined.

3. However, this Court is of the considered view that cross-examination of DW-Gurmeet Singh is necessary for the proper, effective and judicious adjudication of the matter in controversy. Otherwise also, the justice demands that the petitioners should be afforded effective opportunity to cross-examine DW-Gurmeet Singh.

4. Accordingly, without expressing any opinion with regard to the validity or illegality of the impugned order dated 02.03.2017 but keeping in view the interest of the parties, instant petition is disposed of a direction to the trial court to afford an ample opportunity to the petitioners/plaintiffs to cross-examine DW-Gurmeet Singh.

5. Since, this order has been passed in the absence of respondents/defendants, if, they feel so aggrieved, they will be at liberty to approach this Court.

March 20, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No