

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No.2168 of 2017 (O&M)  
DECIDED ON: May 26, 2017

SMT. SURJIT KAUR AND OTHERS

....PETITIONERS...

VERSUS

SMT. SUMAN SHARMA AND OTHERS

....RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aalok Jagga, Advocate,  
for the petitioners.

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**JASPAL SINGH, J. (Oral)**

By virtue of instant revision petition preferred under Article 227 of the Constitution of India, the petitioners have sought setting aside of order dated 10.08.2016 (P-6) as well as order dated 14.12.2016 passed by Additional Civil Judge (Senior Division), Rupnagar in case titled as “*Suman Sharma vs. Princepal and others*” bearing Civil Suit RT-109/09.03.2009/25.01.2012, vide which, application to re-examine PW-3-Suman Sharma has been dismissed.

2. During the course of arguments, it has emerged that PW-3-Suman Sharma appeared in the court for the first time for her cross-examination on 10.08.2016 and at that time, she was cross-examined in-part by defendant No.1. Subsequently, her cross-examination was completed on 16.05.2017 by defendant No.1. However, at that time, it came to light that cross-examination on behalf of defendants No. 3 to 9 i.e. petitioners has been ordered to be treated

as nil on 10.08.2016. They were not aware about the order that their cross-examination has been treated as nil by the trial court. On coming to know, they moved an application seeking permission to re-examine PW-3-Suman Sharma for the purposes of cross-examination by defendants No. 3 to 9 but that application was declined by ld. trial court vide its order dated 14.12.2016. Petitioners-defendants No.3 to 9 are contesting the suit by *tooth and nail*, which has been filed by Suman Sharma and in case an opportunity is not afforded to them to cross-examine Suman Sharma, who is none-else but plaintiff, they would be greatly prejudiced and will not be in a position to put up their case in a proper and effective manner.

3. Here, it would also be pertinent to mention that though opportunity for cross-examination by petitioners-defendants No.3 to 9 was treated as nil as is evident from the cross-examination of Suman Sharma PW-3 but nothing to this effect was reflected in the interim order dated 10.08.2016 by the concerned court.

4. Concededly, there is nothing on the record to suggest why the cross-examination of PW-3-Suman Sharma has been treated as nil on behalf of the petitioners. Thus, in order to impart justice between the parties, the petitioners-defendants No. 3 to 9 deserve an opportunity to cross-examine PW-3 Suman Sharma-plaintiff.

5. In the light of what has been narrated above but without expressing any opinion on merits with regard to the legality of the impugned order(s), instant petition is disposed of with a direction to the trial court to afford one effective opportunity to cross-examine PW-3 Suman Sharma by the petitioners by securing her presence and then to proceed with the suit for disposal, in

accordance with law.

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

May 26, 2017  
sonika

(JASPAL SINGH)  
JUDGE

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