

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

CR No.2459 of 2017 (O&M)

Date of decision: April 05, 2017

Varinder Singh

...Petitioner

Versus

Gurdeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gaurav Rana, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

Through the instant petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside the order dated 15th October, 2016 (Annexure P-3) passed by learned Civil Judge (Junior Division), Ludhiana whereby his evidence has been closed by order.

The contention of learned counsel for the petitioner is that the examination-in-chief of PW-3 Rajni has already been recorded before the trial Court and thereafter, she also appeared for the purpose of cross-examination on 16th July, 2016 and 22nd August, 2016, however, due to certain reason she could not come present on subsequent date(s) and ultimately, the evidence of the petitioner/plaintiff was closed by the orders of the Court vide order dated 15th October, 2016.

Learned counsel for the petitioner/plaintiff seeks only one opportunity to examine PW-3 Rajni whose statement is material for the proper and adjudication of the matter involved in the suit.

The instant petition is disposed of with direction to the trial Court to afford one effective opportunity for the cross-examination of PW-3 Rajni and thereafter, to proceed with the suit for its disposal.

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

April 05, 2017
m. sharma

(JASPAL SINGH)
JUDGE

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