

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

CR No.2473 of 2017

Date of decision: April 05, 2017

Jarnail Singh

....Petitioner

Versus

Gurdev Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside the order dated 6th March, 2017 (Annexure P-1) passed by learned Civil Judge (Senior Division), Bathinda whereby an application filed by the petitioner for recalling the witnesses, namely, Bhagwan Singh and Gurdev Singh for the purposes of cross-examination, has been declined.

Undisputably, after the settlement of issues, the case was adjourned twice or thrice only for the evidence of respondent/plaintiff and on 24th January, 2017, the examination-in-chief of PW-1 Gurdev Singh and PW-2 Bhagwan Singh were recorded. Since learned counsel for the petitioner/defendant was busy in some other Court, she could not cross-examine the witnesses. Though an adjournment was requested but it was declined and their cross-examination was ordered as “Nil. Opportunity given”. The non-cross-examination has caused serious prejudice to the defence of the petitioner/defendant. This Court is of the considered view that in the facts and circumstances of the case in hand, petitioner/defendant has not been afforded an ample opportunity to cross-examine the witnesses,

6th March, 2017 is not sustainable in the eyes of law and deserves to be *set aside*. Accordingly, the instant civil revision petition is *set aside* by way of acceptance of instant revision and learned trial Court is directed to afford two effective opportunities to the petitioner/defendant for cross-examination of both the aforesaid witnesses who shall be produced by the respondent/plaintiff at his own responsibility before the trial Court, on the date fixed by it.

Since this order has been passed in the absence of respondents, if they feel so aggrieved, they 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