

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

CR No.2795 of 2017 (O&M)

Date of decision: April 21, 2017

Jasbir Singh

....Petitioner

Versus

Sunil Behra

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

Through the instant civil revision petition preferred under Article 227 of Constitution of India read with Section 151 of Code of Civil Procedure, petitioner has sought the setting aside/quashing of the order dated 29th March, 2017 passed by Civil Judge (Junior Division), Ludhiana whereby opportunity to cross-examine the plaintiff's witnesses, namely, PW1 Sunil Behra and PW 2 Lakhwinder Behra have been ordered to be 'nil' and the suit was adjourned to 28th April, 2017 for the evidence of the defendants.

A perusal of the file reveals that no doubt both the above referred witnesses tendered their affidavits to be read in evidence as examination-in-chief, yet their remaining examination was deferred to 1st March, 2017 but subsequently, no PWs was present on 7th March, 2017 and on some other dates but on 29th March, 2017, cross-examination of both the above referred witnesses was ordered to be treated as 'nil' and the suit was listed for the defendant's evidence. It can be safely concluded that the plaintiff/defendant was not given proper and effective opportunity to cross-examine PW-1 Sunil Behra and PW-2 Lakhwinder Behra and such an action on the part of trial Court has scuttled down the right of the petitioner/defendant.

Without commenting much, the impugned order dated 29th March, 2017 is *set aside*, and the instant petition is disposed of with direction to the trial Court to afford two effective opportunities to the petitioner/defendant to cross-examine the witnesses examined by the respondent/plaintiff who shall be produced by the respondent/plaintiff in the Court at their own responsibility.

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

April 21, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No