

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

CR No.3010 of 2017

Date of decision: April 27, 2017

Bhupinder Singh and others

....Petitioners

Versus

Japnam Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anshul Jain, Advocate
for the petitioners.

JASPAL SINGH, J.(ORAL)

Through the instant civil revision petition preferred under Article 227 of Constitution of India, petitioners have sought setting aside the order dated 17th January, 2017 vide which cross-examination on behalf of defendants No.2 to 5 has been treated as 'nil' as well as order dated 16th March, 2017 passed by Civil Judge (Junior Division), Ludhiana whereby an application for reviewing the order dated 17th January, 2017 and permission to cross-examine the witness, has been declined.

A glance at the various interim orders which have been reproduced in the petition transpires that on most of the dates, the witnesses were present. However, on 21st November, 2016, two PWs came and were examined and the case was adjourned for the remaining evidence of the respondent/plaintiff. Even thereafter, on some of the dates, the witnesses were present but on 17th January, 2017, PW-1 Japnam Singh and PW-2 Parwinder Singh appeared but on account of some reason, learned counsel for the petitioner/defendants No.2 to 5 could not come present and he reached in the Court at about 04:00 pm for the purposes of cross-examination but prior to that, the cross-examination of both the PWs was

ordered to be treated as 'nil' vide impugned order dated 17th January, 2017.

However, the case was adjourned for 23rd January, 2017 for the remaining evidence of the plaintiff subject to last opportunity. In case, the suit was to adjourned for the remaining evidence of the plaintiff, then the Court was obliged to have provided an opportunity to cross-examine the witnesses who were earlier examined-in-chief on behalf of the respondent/plaintiff. On this score alone, the impugned order(s) are not sustainable in the eyes of law. Accordingly, both the orders under challenge are *set aside* with direction to trial Court to afford an effective opportunity to the petitioner/defendants No.2 to 5 to cross-examine the witnesses, who shall be produced in the Court at their own responsibility by the respondents/plaintiffs.

With aforesaid observation, the instant petition is disposed of.

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 27, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No