128 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3282 of 2017
Date of decision: May 08, 2017

Sushila Devi **....Petitioner**

Versus

Phuli Devi and others **....Respondents**

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside of the order dated 15th April, 2017 (Annexure P-1) passed by Civil Judge (Junior Division), Mohindergarh whereby an application dated 4th November, 2016 (Annexure P-2) seeking one opportunity to cross-examine the plaintiff-Phuli Devi (PW-1) has been rejected/declined.

Undisputably, from the pleadings of the parties, issues in this case were framed on 21st April, 2016 and the case was listed for the first time for the evidence of plaintiff for 5th May, 2016. Thereafter, the case was adjourned for some date(s). However, on 15th April, 2017, learned counsel for petitioner/defendant No.8 was available before lunch in the Court but by that time, petitioner/plaintiff PW-1 Phuli Devi could not be cross-examined by learned counsel for petitioner/defendant No.8. However after lunch, learned counsel appearing on behalf of petitioner/defendant No.8 before the trial Court had to come to attend some other Court in some other case in Civil Court at Kanina, a new Court set up in District Mohindergarh, Haryana. Due to the aforesaid reason, learned counsel for the petitioner/defendant No.8 could not appear after lunch for the purposes of

Mamta
2017.05.11 10:57
I attest to the accuracy and
integrity of this document

cross-examination of PW-1 Phuli Devi. Here it would be pertinent to mention that except cross-examination of PW-1 Phuli Devi, other evidence has already been led by the respondent/plaintiff and respondent/plaintiff is not going to suffer any loss in case the petitioner would be permitted to cross-examine PW-1 Phuli Devi.

Without expressing any opinion with regard to illegality of the impugned order dated 15th April, 2017 as well as the previous order dated 1st September, 2016, the instant petition is disposed of with direction to the trial Court to afford one effective opportunity to petitioner/defendant No.8 to cross-examine PW-1 Phuli Devi and then to proceed with the suit for its disposal in accordance with law.

Disposed of.

May 08, 2017 **(JASPAL SINGH)**
m. sharma **JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No

Mamta
2017.05.11 10:57
I attest to the accuracy and
integrity of this document