

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.5264 of 2016 (O&M)
Date of decision:23.1.2017**

Ved Parkash and another

...Petitioners

Versus

Singara Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Manjeet Singh, Advocate for the petitioners.
Mr.Anil Malik, Advocate for respondent No.2 (i) and (ii).
Mr.Saurabh Garg, Advocate for respondents No.1 and 3 (i) to (v).

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, under Article 227 of the Constitution of India, is directed against the order dated 30.7.2016 (Annexure P-7), whereby petitioners were declined the opportunity for independently cross-examining the witnesses of the defendants.

Notice of motion was issued and the learned trial Court was directed not to pronounce the final order.

Heard learned counsel for the parties.

After hearing learned counsel for the parties and going through the record of the case, including the cross-examination of DW-2 Gurdev Singh by the counsel for plaintiff No.1 on 29.11.2016 and 30.11.2016, this Court is of the considered opinion that once the interest of all the three plaintiffs, under the changed circumstances, is no more common, learned trial Court ought to have afforded an opportunity to the petitioners-plaintiffs No.2 and 3 for independently cross-examining the witnesses of the defendants so as to ensure that no prejudice is caused to the petitioners. It is so said because it is the settled principle of law that every litigating party must be granted reasonable opportunity to put up its best case before the Court. Nobody should be forced to go home with the grievance that

reasonable opportunity was not granted to him/her by the learned court of competent jurisdiction.

In view of what has been discussed hereinabove, the impugned order dated 30.7.2015 passed by the learned trial Court is modified to extent that petitioners-plaintiffs No.2 and 3 shall have the opportunity for independently cross-examining the witnesses of the defendants. However, it is made clear that plaintiffs No.2 and 3 shall be granted only two effective opportunities to cross-examine the witnesses of the defendants, whosoever, have already been cross-examined by the learned counsel for plaintiff No.1.

Should there be any confusion, it is also clarified that other witnesses of the defendants shall also be permitted to be cross-examined independently by the learned counsel for plaintiffs No.2 and 3. After granting reasonable opportunity to both the parties to cross-examine their respective witnesses, the learned trial Court shall decide the suit expeditiously, however, in accordance with law.

With the above-said observations made and directions issued, the instant revision petition is disposed of, however, with no order as to costs. Pending application, if any, is also disposed of.

23.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No