

In the High Court of Punjab and Haryana at Chandigarh

238

CR No.5273 of 2016

Date of decision: 9.10.2017

SATINDER MOHAN SINGH

.....petitioner

Versus

**GURUDWARA BABA GANDHA SINGH
JI BARNALA AND ORS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rakesh Chopra, Advocate,
for the petitioner.

Mr.P.S.Thiara, Advocate
for respondent Nos.1 and 2.

RAJ MOHAN SINGH, J (oral)

Cross-examination of Sukhwinder Singh PW-1 is the issue involved in the present revision petition. The examination-in-chief of PW-1 was recorded on 7.6.2016. Thereafter, the case was adjourned for 14.6.2016 for cross-examination of the witness. As per material on record, the case was further adjourned for 22.6.2016 and 19.7.2016 and the presence of learned counsel for the parties was recorded. Perusal of the aforesaid orders do not show presence or otherwise of Sukhwinder Singh PW-1. On 27.7.2016, the cross-examination of PW-1 was treated to be nil at the instance of the

defendant-petitioner as learned counsel for the defendant could not reach the court in time and the case was adjourned to 3.8.2016 for further proceedings. On 27.7.2016 itself, an application for cross-examination of Sukhwinder Singh was moved by the defendant-petitioner and the same was adjourned for the date fixed i.e. 3.8.2016. On 3.8.2016, the Bar was abstaining from work and therefore, proxy counsel appeared on behalf of both the sides. The application filed by the defendant-petitioner was dismissed. Owing to the aforesaid circumstances, the present revision petition came to be filed.

In view of the facts on record, I am of the view that one opportunity needs to be granted to the defendant-petitioner to cross-examine Sukhwinder Singh PW-1, on a day to be fixed by the trial Court for summoning of aforesaid witness. However, this arrangement shall be subject to payment of costs of ₹ 10,000/- to be paid to the respondent. Payment of costs shall be the condition precedent for granting aforesaid indulgence by the trial Court.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

October 09, 2017

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No