

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 5335 of 2016

Date of Decision: 23.8.2017

Shri Sanatan Dharam Education Society (Registered)Petitioner

Versus

Mridula GoyalRespondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

None for the respondent.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the order dated 18.5.2016 (Annexure P-4) whereby evidence of the petitioner was closed by order and the order dated 14.7.2016 (Annexure P-6) whereby the application moved by the petitioner was dismissed.

A perusal of the orders dated 18.5.2016 and 14.7.2016 shows that in the present case the issues were framed on 7.4.2014 and the plaintiff availed 21 opportunities to lead evidence but it had failed to do so and thereafter the evidence of the plaintiff was closed vide order dated 18.5.2016.

Notice of motion was issued on 22.8.2016 on the point that the petitioner wants to cross-examine Roshan Lal Mittal PW-2 who had been partly cross-examined. Service on respondent was effected on 15.11.2016 and none has put in appearance on her behalf.

The plaintiff had filed a suit for possession by way of

ejection. The affidavit of Mr. Vijay Aggarwal, Secretary of the society PW-1 was filed in evidence but he could not appear for cross-examination due to his some personal problem. Therefore, the plaintiff moved an application before the trial Court seeking permission to produce Mr. Roshan Lal Mittal, President of the society as a witness for proper decision of the suit. The said application was allowed by the trial Court vide order dated 10.9.2015 (Annexure P-2). The affidavit of Mr. Roshan Lal Mittal, President of the society was tendered in evidence before the trial Court as PW-2 and he was partly cross-examined.

Keeping in view that Mr. Roshan Lal Mittal, President is the main witness of the society, one effective opportunity is granted to the plaintiff-petitioner to get conducted the further cross-examination of Mr. Roshan Lal Mittal, President of the society.

The impugned orders dated 18.5.2016 (Annexure P-4) and 14.7.2016 (Annexure P-6) are set aside. The trial Court is directed to give one effective opportunity to the petitioner to get conducted the further cross-examination of PW-2 Mr. Roshan Lal Mittal subject to petitioner's depositing costs of Rs. 5,000/- with the State Legal Services Authority, Panipat.

The revision petition is allowed.

(RITU BAHRI)
JUDGE

August 23, 2017
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No