

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.5895 of 2017 (O&M)

Date of Decision: 01.09.2017

Mohinder Singh Deol

... Appellant

Versus

Jagdish Kaur and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. A.P. Kaushal, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

The plaintiff/petitioner has filed this revision petition against the order dated 25.05.2017 closing the opportunity to cross-examine DW1 the witness on the ground that the lawyer has not come present in spite of directions.

The case is now pending for rebuttal and arguments. Failure to cross-examine a witness is a serious matter. If the statement of a particular witness goes without cross-examination, statement given by a witness in examination-in-chief remains unchallenged.

Taking into consideration the fact that the suit was filed in the year 2015 and the case is now at the final stage, failure of the counsel to appear before the Court for cross-examination cannot visit the plaintiff in such a serious consequence.

Taking into consideration the overall facts, the plaintiff/petitioner is directed to cross-examine DW1 on 08.09.2017 or on

any other date to be fixed by the Court. This opportunity would be subject to payment of Rs.5000/- as costs.

The learned trial Court would adjourn the case, if the adjournment is found necessary on 08.09.2017. In case of non-appearance of DW1 on 08.09.2017, the Court would not adjourn the case beyond 15.09.2017.

Since the order is being passed without issuing notice to the defendant, she would be at liberty to move an application for recall or modification of the order, if necessary.

The revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

01.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No