

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6273-2017 (O&M)
Date of Decision:- 15.09.2017

Harpal Singh

.....Petitioner

Versus

Major Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sherry K. Singla, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition has been filed under Article 227 of the Constitution of India for setting aside of impugned orders dated 16.11.2016 and 30.01.2017, passed by learned Civil Judge (Jr. Divn.), Malerkotla whereby cross-examination of AW-1 and AW-2 has been treated as 'nil'.

Perusal of details of the zimini orders given in para No.7 of the present petition shows that examination-in-chief of AWs Major Singh and Balwinder Singh was conducted on 20.02.2015 and thereafter the matter was adjourned at the request made by learned counsel for the applicant as well as of respondent for cross-examination. Number of

dates were taken by the applicant itself when the witnesses were not present for cross-examination, however, finally when witnesses of the applicant was present, it was adjourned for 16.11.2016 and 30.01.2017 for cross-examination. Consequently, the impugned orders have been passed.

Learned counsel for the petitioner submits that the next date for hearing is 18.09.2017 and only one last effective opportunity be provided to the petitioner for cross-examination of these two witnesses as their cross-examination is very much necessary for the proper adjudication of the case.

Heard.

Taking into consideration the nature of litigation and the explanation put-forth, the instant revision petition is allowed. Orders dated 16.11.2016 and 30.01.2017 (Annexures P-4 & P-5), passed by learned Civil Judge (Jr. Divn.), Malerkotla, are hereby set aside. The trial Court is directed to grant one effective opportunity to the petitioner to cross-examine two witnesses, namely, Major Singh and Balwinder Singh. However, this would be subject to the payment of ₹5,000/- (Rupees Five Thousand) as costs, to be deposited before the State Legal Service Authority, Malerkotla.

September 15, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No