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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6625 of 2017

Date of Decision : 30.10.2017

MANOHAR SINGH

....PETITIONER

VERSUS

SWARAN SINGH AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Rajeev Dev Sharma, Advocate for the petitioner.

B.S. WALIA, JUDGE (ORAL)

[1] Petitioner has challenged order dated 03.08.2017 (Annexure P-2), passed by the learned Additional Civil Judge (S.D.), Pathankot vide which cross-examination of the witness i.e. Gurvinder Singh by counsel of the petitioner has been treated as nil with a further prayer for staying the proceeding in case titled as '*Manohar Singh versus Swaran Singh and others*' pending before the Court of the learned Additional Civil Judge (S.D.), Pathankot during the pendency of the revision petition.

[2] Learned counsel for the petitioner has submitted that the impugned order be set aside and one opportunity be granted to the petitioner to cross-examine DW-1 i.e. Gurvinder Singh.

[3] A perusal of the impugned order dated 03.08.2017 reveals that while defendant Nos.4, 5 to 11, 16 (i) to 16 (iv) were proceeded *ex parte*, DW-1, namely Gurvinder Singh was present in Court from 10.00 a.m. to 3.30 p.m. on 03.08.2017 and learned counsel for the plaintiff was

called time and again to conduct cross-examination of DW-1-Gurvinder Singh in view of order dated 02.08.2017 as DW-1- Gurvinder Singh, had to go abroad on 04.08.2017, but despite learned counsel for the plaintiff being repeatedly sent for, DW-1-Gurvinder Singh was not cross-examined, instead message was sent that the counsel was busy.

[4] In the circumstances, the cross-examination of DW-1, Gurwinder Singh, was recorded as nil (opportunity given). Thereupon on request, the matter was adjourned to 16.08.2017, for entire remaining evidence of the defendants at their own responsibility, subject to last opportunity. Defendants were directed to conclude the entire evidence on the fixed date of hearing, failing which it was observed that the evidence of defendants would be closed by order, as the case was old one.

[5] After going through the impugned order, I am of the view that no interference is called for with the well reasoned order.

[6] At this stage, learned counsel for the petitioner seeks permission to withdraw the revision petition with liberty to take out appropriate proceedings in accordance with law as may be available to him.

[7] Dismissed as withdrawn with liberty, as prayed for.

(B.S. WALIA)
JUDGE

October 30, 2017

rajneesh

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No