

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

CR No.7300 of 2017

Date of Decision:01.12.2017

Daljit Singh and others

...Petitioners

Versus

Surinder Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ashok Giri, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs are in the revision petition against the order dated 26.9.2017, closing their evidence.

Learned counsel for the petitioners has submitted that PW-1 Kuljit Singh had tendered his affidavit in lieu of examination-in-chief on 28.1.2016. However, he has not been cross-examined. Learned counsel for the petitioners has further submitted that the petitioners only want an opportunity so that the defendant cross-examines the witness and such evidence is read in evidence.

Taking into consideration that PW-1 Kuljit Singh had tendered his affidavit dated 28.1.2016 and partly examined, this Court is of the considered opinion that the order passed by the trial court is required to be modified by granting one opportunity to the defendant to cross-examine PW-1 Kuljit Singh. However, this will be subject to payment of costs of Rs.5,000/-.

Learned counsel for the petitioners has informed that the case is now fixed for 18.12.2017. It shall be the responsibility of the plaintiffs to produce Kuljit Singh in the witness box. Since the order has been passed without issuing notice to the respondents, they shall be at liberty to move an appropriate application for recalling, if they feel aggrieved.

Disposed of, accordingly.

01.12.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No