

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CR No.731 of 2017.

Date of Decision: 02.02.2017.

Jagir Singh (now deceased) represented by his L.Rs. Harpal Singh and others

....Petitioner.

VERSUS

Punjab State through Collector, Amritsar and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant revision petition has been preferred against the order dated 23.11.2016 passed by learned Civil Judge (Junior Division), Ajnala whereby the application under Section 151 of the Code of Civil Procedure filed by the petitioner for permission to allow cross-examination of Harpal Singh (petitioner) by respondents-defendants, was dismissed.

The submissions made by Mr. Rishu Mahajan, learned counsel representing the petitioner have been considered.

It has been mentioned by learned trial Court in the impugned order dated 23.11.2016 that the petitioner-plaintiff had availed as many as 10 effective opportunities for a period extended upto two years and seven months. That being the state of affairs, the petitioner certainly deserves no further opportunity for adducing evidence, however, it is submitted by

learned counsel for the petitioner that he confines his prayer to the extent that the petitioner (Harpal Singh) whose examination in chief in the shape of his affidavit already stands tendered in evidence be allowed to appear in the witness box for cross-examination by the opposite party. The other witness examined by him has already been cross examined.

To avoid further delay in disposal of the case, in my considered opinion, notice to the respondents-defendants, in the light of prayer made by counsel for the petitioner-plaintiff, is not required to be issued.

Considering the submissions made and the fact that in case the opposite party is not given due opportunity to cross-examine petitioner Harpal Singh, his examination in chief i.e. his affidavit will also not be read in evidence and that will adversely affect the case of the petitioner, one opportunity is given to the petitioner (Harpal Singh) to appear in the witness box for his cross-examination. For the delay caused in proceedings, costs of Rs.5000/- is imposed on the petitioner, which shall be deposited by the petitioner with the Legal Aid Authority.

Accordingly, the instant revision petition is allowed. Only one opportunity for completing statement i.e. recording cross examination of petitioner Harpal Singh will be allowed by learned trial Court by fixing an effective date of hearing. In case the witness does not appear on the said date, no further opportunity shall be accorded.

(SNEH PRASHAR)
JUDGE

02.02.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**