

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR NO.7773 of 2016(O&M)  
Date of Order: 31.10.2017

**Davinderjit Singh**

**..Petitioner**

**Versus**

**Inderbir singh**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. G.S.Dhaliwal, Advocate,  
for the petitioner.

Mr. Karan Garg, Advocate,  
for respondent

**ANIL KSHETARPAL, J (Oral)**

Defendant-petitioner is in revision petition against order dated 07.09.2016, closing the opportunity of the defendant to cross-examine the plaintiff.

Learned counsel for the petitioner has submitted that the plaintiff tendered his affidavit in cross-examination-in-chief on 19.01.2016, after availing five opportunities. The case was adjourned for cross-examination on 18.03.2015, when again plaintiff was not present. He submits that the plaintiff did appear on 13.05.2016, however, he could not be cross-examined. Thereafter, once again he absented on 30.05.2016. Thus, the learned counsel for the defendant-petitioner submits that the defendant or his counsel were not at fault giving opportunity to the Court to close the opportunity of the defendant to cross-examine the plaintiff.

Taking into consideration the aforesaid facts, this Court feels that the defendant should be granted one opportunity to cross-examine the

plaintiff. Refusal to grant opportunity to cross-examine the plaintiff has a very serious consequences. The evidence of the plaintiff in absence of the cross-examination goes un rebutted and unchallenged.

Defendant-petitioner shall be granted one opportunity to cross-examine the plaintiff on 15.11.2017. Plaintiff would make himself available on 15.11.2017, which is the next date fixed before the trial Court.

This opportunity shall be subject to costs of Rs.10,000/-, to be deposited by the defendant-petitioner with the District Legal Services Authority, Punjab.

Respondent shall be at liberty to move an application for recall, if aggrieved of the directions given by this Court.

Taking into consideration the aforesaid facts, the revision petition is allowed, the order under challenge is set aside.

**October 31, 2017**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |