

In the High Court of Punjab and Haryana at Chandigarh**CR No. 7437 of 2017****Date of Decision: 14.11.2017****Harinder Pal Singh****---Petitioner****versus****Shiv Dev Kaur and others****---Respondents****Coram: Hon'ble Mrs. Justice Rekha Mittal****Present: Mr. Sherry K.Singla, Advocate
for the petitioner***********Rekha Mittal, J.**

Challenge in the present petition has been directed against order dated 4.10.2017 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Mansa whereby application filed by the petitioner for directing the plaintiff to examine herself before cross examination of other witnesses, has been dismissed.

I have heard counsel for the petitioner and perused the paper book particularly the order dated 4.10.2017.

Counsel for the petitioner, in response to a query, would inform that on or before 4.10.2017, the respondent/plaintiff had not tendered herself in the witness box for examination or cross examination. The petitioner/defendant cannot refuse to cross examine the witnesses of the respondent/plaintiff unless the respondent/plaintiff tenders herself for examination, by invoking Order 18 Rule 3(a) of the Code of Civil Procedure. In this view of the matter, I do not find any patent error much

less illegality in the impugned order warranting interference in exercise of supervisory jurisdiction of this Court.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine. However, nothing stated hereinbefore shall cause prejudice to right of the petitioner to raise an objection, if permissible, with regard to examination of the respondent/plaintiff subsequent to examination of her witnesses.

(Rekha Mittal)
Judge

14.11.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No