

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

CR-7858-2017

Date of decision: 14.11.2017

Anjali Sharma

...Petitioner

Versus

Nishaat Vaid

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Bajaj, Advocate,
for the petitioner.

Ritu Bahri, J.

Notice of motion.

At this stage, Mr. Amandeep Singh Manaise, Advocate, accepts
notice on behalf of the respondent.

Heard.

Challenge in this petition is to the order dated 27.09.2017
(Annexure P-4) passed by the Civil Judge (Junior Division), Dasuya,
whereby cross-examination of Manpreet Singh (PW-3) and Nishan Vaid
PW-4 has been treated as 'nil' and application filed by the defendant-
petitioner for eschewing the evidence of plaintiff-respondent, has been
dismissed.

A perusal of the impugned order (Annexure P-4) shows that
Manpreet Singh (PW-3) was examined-in-chief and his cross-examination
was deferred on the request of learned counsel for defendant (petitioner
herein) on the ground that he wanted to cross-examine the said witness

along with the plaintiff-respondent. On 27.09.2017, when Nishan Vaid

(PW-4) was examined-in-chief, a request was made to cross-examine PW-3 and PW-4. This request was rejected by the trial Court and cross-examination of both the witnesses was treated as 'nil'.

Learned counsel for the respondent (plaintiff) states that that Manpreet Singh (PW-3) has left for Dubai on work permit and he has no objection, in case cross-examination of Nishan Vaid (PW-4) is conducted.

In these circumstances, since Manpreet Singh (PW-3) is no longer in India, impugned order dated 27.09.2017 (Annexure P-4) is set aside and trial Court is directed to provide one effective opportunity to defendant-petitioner to cross-examine Nishan Vaid (PW-4). However, cross-examination of Manpreet Singh (PW-3) shall be treated as 'nil'.

Allowed accordingly.

14.11.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No