

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

CR No. 8243 of 2016 (O&M)

Date of Decision: 15.09.2017

SOHAN SINGH

-PETITIONER

VS

BACHITTAR SINGH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kewal Singh, Advocate,
for the petitioner.

Ms. Alisha Soni, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

Defendant has filed the present revision petition against the order dated 17.09.2016 passed by Civil Judge (Junior Division), Ludhiana vide which cross-examination of PW2-Rashvir Singh was treated to be nil at the instance of the defendant.

Plaintiff and defendant are real brothers. A civil suit for recovery and damages has been filed on the ground of malicious prosecution. The FIR was registered against the plaintiff and he was acquitted by the court of Additional Sessions Judge on 22.04.2014. On 20.01.2016, PW1 was examined fully and affidavit of PW2 in his examination-in-chief was tendered in the Court.

Rashvir Singh is son of Bachittar Singh. He is also a Power of Attorney holder on behalf of plaintiff-Bachittar Singh. On 18.08.2016, the case was adjourned to 01.09.2016 for cross-examination of PW2. The case was further adjourned to 17.09.2016, but the learned counsel for the petitioner stated that the Advocate noted 18.09.2016 as the date for cross-examination of PW2 on his brief and that is why, he could not appear in the case on 17.09.2016. He relied upon brief noting (Annexure P-3) to show the aforesaid factual position. In support of his contention, he also relied upon the diary maintained by the Advocate, showing that infact the adjourned date was noted as 18.09.2016.

Without going into the details of aforesaid assertions, I deem it appropriate to grant one opportunity to the defendant to cross-examine PW2 fully on a date to be fixed by the trial Court. However, this arrangement shall be subject to payment of cost of Rs.10,000/- to the plaintiff/respondent.

Payment of cost shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

Disposed of.

15.09.2017

jyoti

(RAJ MOHAN SINGH)
JUDGE

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