

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

151

CR No.8697 of 2017
Date of decision: 12.12.2017

Jaswinder Singh

..... Petitioner

Versus

Mohan Singh Reshi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pranav Handa, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the order dated 08.11.2017 closing the opportunity of the petitioner to cross-examine plaintiff's witness-Kulwant Singh. A reading of the order shows that on the date fixed, an application for adjournment was filed through another counsel on the ground that Sh. Prince Tayal, Advocate representing defendants No.1 to 5 is suffering from Typhoid and hence, unable to cross-examine the witness.

The Court dismissed the application on the ground that such application is not supported by any medical evidence.

Now in this revision petition, a certificate issued by Guru Nanak Mission Hospital has been attached.

Taking into consideration the facts that if a particular witness is not cross-examined, the statement of the aforesaid witness goes un-rebutted and the consequences are very harsh, this Court is of the

considered opinion that the order passed by the learned trial Court treating the opportunity to cross-examine the witness as nil is erroneous.

In view thereof, learned counsel for the defendant is required to be given another opportunity to cross-examine the witness. Hence, the order dated 08.11.2017 is set aside.

Learned counsel for the petitioner has submitted that the next date is 18.12.2017. Plaintiff witness-Kulwant Singh shall be produced in the witness-box on 18.12.2017 and the counsel for the defendant shall be granted opportunity to cross-examine him.

Revision petition is allowed.

However, plaintiffs shall be liberty to move an application for recall, if aggrieved, since the order has been passed without hearing them.

12.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No