

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

CR No.895 of 2017.

Date of Decision: 08.02.2017.

Jasbir Kaur

....Petitioner.

VERSUS

Harinder Kaur and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. J.S. Toor, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant revision petition has been filed by Jasbir Kaur-plaintiff being aggrieved of the order dated 11.01.2017 passed by learned Civil Judge (Junior Division), Mohali vide which opportunity given to her for cross-examination of two witnesses examined by respondents No.1 to 3-defendants was recorded as Nil.

The submissions made by Mr. J.S. Toor, learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner submits that one of the witness examined by the respondents-defendants was a forensic document expert. The petitioner intended to take assistance of an expert for cross-examination of the said witness and on that ground made a request before learned trial Court to defer the cross-examination but his request was not accepted and the cross-examination of the witness was recorded as Nil. Learned counsel contends that cross-examination of the two defence witnesses examined on 11.01.2017 is very essential and in case their deposition is left to remain without cross-examination, the petitioner will

The reason explained by learned counsel for the petitioner for not cross examining the two witnesses of the defendants on 11.01.2017 is not reflected in the order passed by learned trial Court. It was only mentioned that upto 3:30 p.m., counsel for the plaintiffs had not cross examined the witnesses. What transpired upto 3:30 p.m. was not mentioned but it has to be believed that there must be some reason for which despite presence in the Court counsel for the plaintiffs had not cross examined the witnesses upto 3:30 p.m. and the Court was waiting for him to do so upto that time.

Be that as it may, cross-examination of the witnesses examined by the respondents-defendants by the plaintiffs is indeed essential in order test their credibility. In case their statements are left without cross-examination, the facts stated by them will be taken as admitted by the petitioner-plaintiffs. To avoid further delay in trial of the case, notice to the respondents is not being issued and considering the interest of justice, one effective opportunity is given to the petitioner-plaintiffs to cross examine the two witnesses of the defendants examined on 11.01.2017 subject to payment of costs of Rs.5000/-. The costs shall be deposited with the Legal Aid Authority. Learned trial Court will fix a date on which the respondents will ensure presence of both the witnesses so that they can be examined. The petitioner will conclude the cross-examination of both the witnesses on the same day and no further opportunity will be given for that purpose.

(SNEH PRASHAR)
JUDGE

08.02.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**