

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

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CR No.2130 of 2018 (O & M)
Date of Decision:02.04.2018

Nishit Jain and another

...Petitioners

Versus

Anmol Jain and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sunita Nambiar, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

Defendants-petitioners are in the revision petition against the order dated 23.02.2018 closing the opportunity to cross-examine Tarsem Singh Tehsildar PW-6, who was present in the Court but learned counsel for defendants No.1 to 3 did not come present to cross-examine the said witness.

Learned counsel for the petitioners has submitted that District Bar Association had passed a resolution abstaining from the work. She has submitted that it is on account of the aforesaid resolution that the learned counsel for defendants No.1 to 3 could not come present for cross-examination of the witness present.

Although, there is no justification for the members of the Bar to abstain from work on the ground that there is election on the next day, however, taking into consideration that failure to cross-examine a particular witness has a very serious consequence on the result of the case, therefore, in the interest of justice, petitioners-defendants are granted one opportunity to cross-examine Tarsem Singh Tehsildar, who has been examined as PW-6.

However, this opportunity shall be subject to the payment of Rs.10,000/- as costs. It shall be the responsibility of the petitioners to summon the aforesaid witness i.e. PW-6 Tarsem Singh Tehsildar, Kharar on their own expenses. The order under challenge is accordingly modified. Since the order has been passed without issuing notice to the respondents-plaintiffs, they would be at liberty to move an application for recall of the said order, if they feel aggrieved of the same.

Revision petition is allowed.

02.04.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No