

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

CR No. 2321 of 2018 (O&M)

Date of decision: 06.04.2018

Amarjit Singh

.. Petitioner

vs.

Jaspreet Kaur

.. Respondent

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Deepak Goyal, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

This revision petition has been filed impugning the order dated 09.02.2018 passed by learned Additional District Judge, Sangrur whereby for the failure of the counsel for the petitioner to appear to cross-examine RW Surinder Kaur, her cross-examination was treated as NIL and the said witness was ordered to be discharged.

Learned counsel for the petitioner states that initially RW Surinder Kaur was present in Court for cross-examination on 10.11.2017, however, she could not be cross-examined as the counsel had gone to attend cremation of another advocate on that date.

Vide order dated 13.12.2017 the case was adjourned to 03.01.2018 for cross-examination of RW-2. On 03.01.2018 the respondent -witness was not present because of bereavement in the family of the respondent and the case was adjourned to 19.01.2018. Thereafter, the case was adjourned to explore the possibility of the settlement. However, as no compromise was effected vide order dated 30.01.2018, the case was fixed for 09.02.2018 for cross-examination of the respondent-witnesses.

Learned counsel states that on 9.2.2018, RW-Surinder Kaur could not be cross-examined because counsel of the petitioner was not available. He states that there was no intention on the part of the petitioner to delay the proceedings. If the petitioner is not permitted to cross-examine RW-Surinder Kaur, grave prejudice will be caused.

Considering the aforesaid facts and circumstances, the revision petition is allowed. The impugned order dated 09.02.2018 is set aside. The petitioner is granted one effective opportunity to cross-examine RW-Surinder Kaur, subject to payment of Rs.2000/- as costs, which shall be paid to the respondent-Jaspreet Kaur.

A copy of this order be sent to the respondent.

This revision petition has been disposed of without notice to the respondent to avoid unnecessary delay and expenses. However, if the respondent has any grievance, he is at liberty to approach this Court for recalling this order.

A copy of the order be given to learned counsel for the petitioner under the signatures of Special Secretary.

06.04.2018
dinesh

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No