

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 2641-2018(O&M)
Date of decision: 25.04.2018

Balwant through LRs and others

.....Petitioners

versus

M/s Arena Constructions Pvt. Ltd. and others

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Saurabh Bajaj, Advocate for the petitioners

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Present revision petition is against the order dated 21.3.2018, passed by learned Civil Judge (Junior Division), Karnal, vide which, prayer of defendant nos.4 to 8 to cross-examine, defendant no.1 was declined.

Heard.

It comes out that the suit for declaration, mandatory injunction with consequential relief of permanent injunction is pending. Defendant no.1 was examined. Defendant nos.4 to 8 claim that their interest clash with defendant no.1. Therefore, they have a right to cross-examine him. The trial Court referred to the previous litigation between defendant no.5 to 8 and defendant nos.1 to 3 and held that it is not pointed out as to which questions are to be put to the witness and that the present petitioner can tender evidence/ any proceedings held in earlier proceedings in his evidence. The cross-examining of defendant no.1 by defendant nos.4 to 8 have limited scope, which cannot be allowed as a matter of right unless and

until applicants proves that their interest clashes in the present suit.

I am of the view that the order passed by learned Civil Judge (Junior Division), Karnal is patently illegal. Once, it is claimed that there are different sets of defendants and one set of defendants claims that their interest clash with the other defendants, they have a right to cross-examine the witness as of co-defendants. It is not the law that before cross-examination, they should inform the Court as to on which points the appellants wants to cross-examine the defendants. Therefore, without issuing any notice to the respondents, impugned order is set aside. Defendant nos.4 to 8 are allowed to cross examine defendant no.1.

Present revision petition is allowed accordingly.

24.04.2018

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No