

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

**CR No.2973 of 2018(O&M)
Date of Decision: 31.10.2018**

Sarabjit Kaur

.....Petitioner

Versus

Punjab State through Collector and othersRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

Mr. Arun Oberol, Advocate
for respondents No.3 and 4.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred against the order dated 09.03.2018 passed by Civil Judge (Junior Division), Gurdaspur, vide which evidence of the plaintiff/PW 1 was closed by order of the Court.

[2]. Plaintiff/PW 1 tendered her affidavit in examination-in-chief on 19.07.2017. Thereafter, plaintiff was partly cross examined on 19.08.2017. Last opportunity was granted for cross examination of PW 1 on 27.09.2017. Again PW 1 was

partly cross examined on 27.10.2017 and remaining cross examination was deferred for want of original sale deed. The case was adjourned to 02.12.2107 for further cross examination of PW 1 and the witness was bound down for the date fixed. Thereafter, the case was transferred to other Court and proper order was passed. Vide order dated 15.02.2018, last opportunity was granted to the plaintiff for remaining cross examination subject to payment of costs of Rs.500/-. The cost was paid. However, on 09.03.2018, according to learned counsel for the petitioner, PW 1 was duly present along with PW 2 Hari Prem who was partly cross examined by the defendants, but somehow, the presence of the plaintiff was not recorded in the order dated 09.03.2018. Remaining cross examination of PW 2 Hari Prem was completed on 27.03.2018.

[3]. Learned counsel for the petitioner contended that perusal of order dated 09.03.2018 would show that the evidence of PW 1 was closed as the case was adjourned for cross examination of PW 2 Hari Prem.

[4]. Learned counsel for respondents No.3 and 4 however opposed the prayer on the ground that the plaintiff has availed number of opportunities for her cross examination despite imposition of costs with last opportunity.

[5]. Keeping in view the factual matrix on record, I deem it

appropriate to grant one opportunity to the plaintiff/petitioner for her cross examination by the defendants on the date to be fixed by the trial Court. Consequently, impugned order dated 09.03.2018 passed by Civil Judge (Junior Division), Gurdaspur is set aside. This revision petition is allowed however, subject to payment of costs of Rs.15,000/- to be paid to defendants No.3 and 4 in equal proportion. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

October 31, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No