

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3129 of 2018 (O/M)

Date of decision : 11.5.2018

Balwant through LRs and others Petitioners
Versus

M/s Sphere Properties Pvt. Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saurabh Bajaj, Advocate,
for petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Present revision is against order dated 21.3.2018, passed by learned Civil Judge (Junior Division), Karnal, vide which prayer of defendants No. 6 to 9 to cross examine defendant No. 1 was declined.

Heard.

It comes out that suit for declaration, mandatory injunction with consequential relief of permanent injunction is pending. Defendant No. 1 was examined. Defendants No. 6 to 9 claim that their interest clash with defendants No. 1 to 3. Therefore, they have a right to cross examine them. Trial Court referred to previous litigation between defendants No. 5 to 8 and defendants No. 1 to 3 and held that it is not pointed out as to which questions are to be put to the witness and that present petitioner can tender evidence/any proceedings held in earlier proceedings in his evidence. The cross examining of defendant No. 1 by defendants No. 6 to 9 have limited scope which cannot be allowed as a matter of right unless and until applicants prove that their interest clashes in present suit.

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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 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 applicants want to cross examine defendants. Therefore, without issuing notice to respondents, impugned order is set aside. Defendants No. 6 to 9 are allowed to cross examine defendant No. 1. Consequently, revision is allowed.

(KULDIP SINGH)
JUDGE

11.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No