

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CR No.3392 of 2018 (O&M)

Date of decision:7.8.2018

Bhalinder Singh

... Petitioner

versus

Veerpal Singh @ Birpal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.G.S.Salana, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

CM No.16114-CII of 2018

Pursuant to the order dated 31.7.2018, the statements of Upkar Singh and the zimni orders passed by the trial Court between 9.9.2016 to 25.5.2018 are sought to be placed on record.

The application is allowed subject to just exceptions and the statements of PW-5 Upkar Singh and the aforesaid zimni orders are taken on record as Annexures P-4 (colly) and P-5 (colly) respectively, with the accompanying petition.

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On oral request of learned counsel for the petitioner, who submits that he has also filed an application seeking advancement of the date of hearing in the accompanying petition which otherwise stands adjourned to 1.10.2018, the hearing of the accompanying petition is advanced to today itself, with the next date of hearing before the trial Court stated to be 17.8.2018, with no notice having been issued in the

accompanying petition and therefore no notice necessary to be issued for advancement of the date of hearing either.

Learned counsel for the petitioner submits that though on about 6 occasions it was due to non-appearance of witnesses of the plaintiff that the evidence on behalf of the plaintiff could not be recorded, however, on all other occasions over 1-1/2 years, from 9.9.2016 to the date that the impugned order was passed, i.e. 27.2.2018, it was either due to lengthy cross-examination by the defence counsel, with further cross-examination of different witnesses deferred from time to time, or on account of the Presiding Officer not holding Court or due to the bar association abstaining from work, that all PWs could not be examined. Consequently, he seeks one opportunity only, for the cross-examination of PW5, Upkar Singh, to be completed.

He submits that despite the fact that most of the DWs had been examined, re-calling PW5, Upkar Singh, for his remaining cross-examination, would be done without the petitioner, i.e. the plaintiff, or his counsel insisting upon, in any manner, re-examination of DWs.

In view of the aforesaid, the order dated 27.2.2018 is set aside with one opportunity only granted to the petitioner to produce PW5, Upkar Singh, to complete his cross-examination (subject to further cross-examination at the hands of counsel for the defendants), upon payment of Rs.10,000/- as costs to the defendants.

7.8.2018

pk/nitin

Whether speaking/reasoned

Whether Reportable

**(AMOL RATTAN SINGH)
JUDGE**

Yes/No

Yes/No