

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 119

CR-5313-2018 (O&M)

Date of decision : 21.08.2018

Bhupinder Singh and another

..... Petitioners

VERSUS

Harjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunil Agnihotri, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Article 227 of the Constitution of India, the petitioners seek one more opportunity to cross examine PW-3 Baldev Singh.

Learned counsel for the petitioners submits that on 24.07.2018 the respondent/plaintiff examined two witnesses i.e. PW-2 Harjit Singh and PW-3 Baldev Singh. On that day itself learned counsel appearing for the petitioners cross examined PW-2 Harjit Singh. However, as the time was short, cross examination of PW-3 Baldev Singh could not be done and an adjournment for doing so was prayed for. However, the Trial Court unreasonably declined the same and adjourned the matter to 28.08.2018 for the respondent/plaintiff to lead further evidence. It is undertaken that on the next date fixed before the Trial Court i.e. 28.08.2018 PW-3 Baldev Singh shall be cross examined.

All that the petitioners seek is the grant of only one opportunity and that too on the date already fixed before the Trial Court for leading of the plaintiff's evidence to cross examine a witness who has already been examined in chief. In the facts of the present case, considering the prayer to

be reasonable, I allow the same.

In view of the above, the present petition is disposed of with a direction to the Trial Court to permit the petitioner to cross examine PW-3 Baldev Singh on the date already fixed before the Trial Court i.e. 28.08.2018. The other evidence of the respondent/plaintiff which he seeks to lead on that day may also be permitted to be done. In case PW-3 Baldev Singh is not available on 28.08.2018, the Trial Court would record on that day any other evidence to be led by the plaintiff and require the appearance of PW-3 Baldev Singh on the next date for him to be cross examined.

Except as above, no further opportunity shall be granted.

If the respondent is aggrieved by this order, he is at liberty to approach this Court through an appropriate application.

21.08.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No