

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 5967-2017 (O&M)

Date of decision: 01.05.2018

Pankaj

.....Petitioner

versus

Rohtash Lakhera and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Munish Gupta, Advocate for the petitioner
Mr.Shashi Kant Gupta, Advocate for respondent nos.1 & 2

- 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?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition is the order dated 6.7.2017 (Annexure P2), passed by learned Civil Judge (Junior Division), Narnaul, vide which, cross-examination of the witnesses of the plaintiffs, namely, Jitender and Babli was treated as nil due to non-appearance of the counsel for the defendants for conducting cross-examination. Also impugned is order dated 5.8.2017 (Annexure P6) passed by learned Civil Judge (Junior Division), Narnaul, vide which, application for recalling of the aforesaid order was dismissed.

I have heard learned counsel for both the parties and have also carefully gone through the file.

From the impugned order dated 6.7.2017, it comes out that on the said date, two witnesses, namely, Jitender and Babli were present since morning but counsel for the defendants did not appear for cross-

examination.

I am of the view that the parties should not suffer if counsel for one or the other reason does not appear to cross-examine the witness. Therefore, without going into the merits of the case, impugned orders are set aside and the present revision petition is allowed. Defendant-petitioner is allowed to cross-examine the witnesses namely, Jitender and Babli subject to payment of Rs.1000/- each as costs to the said witnesses on the date to be fixed by the trial Court.

01.05.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No