

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

CR No. 5944 of 2018
Date of Decision: 07.09.2018

Amar Kaur

.....Petitioner

Versus

Baldev Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Lalit Pathak, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 30.08.2018 passed by the Civil Judge (Junior Division), Ludhiana (for short, the Trial Court) through which cross examination of PW1 Baldev Singh has been recorded as 'Nil'.

Learned counsel for the petitioner submits that the petitioner is a 80 years' old widow and due to her ill health, she could not communicate properly with her counsel and for this reason, PW1 Baldev Singh could not be cross-examined on 30.08.2018. He prays for grant of only one opportunity to cross-examine PW1 Baldev Singh.

Without commenting on the reasons supplied by learned counsel for the petitioner as to why on 30.08.2018, PW1 Baldev Singh could not be cross-examined, but in the facts and circumstances of the present case, primarily with a view to impart substantial justice between the parties, as also in line with the principles of natural justice, after compensating the respondent with costs @ ₹10,000/- and after setting aside

the impugned order dated 30.08.2018, I deem it just and proper to grant only one effective opportunity to the petitioner to cross-examine Baldev Singh, whom the Trial Court shall make all endeavours to produce on the next date fixed before it i.e. 10.09.2018 or within one week thereafter.

It is, however, made clear that no further opportunity shall be granted to the petitioner for the said purpose.

The present petition is allowed in the above terms.

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

(DEEPAK SIBAL)
JUDGE

07.09.2018
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No