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

**Civil Revision No.6067 of 2017  
Date of Decision: 28.08.2018**

**RAJ NARINDER SINGH**

**.....Petitioner**

**Vs**

**VIPIN KUMAR AND ORS**

**....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Vijay Kumar Rana, Advocate  
for the petitioner.

Mr. Prateek Pandit, Advocate  
for respondent No.1.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. Petitioner has assailed the orders dated 20.04.2017, and 03.05.2017 passed by the Civil Judge (Jr. Divn.), Jalandhar and order dated 26.07.2017 passed by the same Court vide which application filed by the petitioner for granting opportunity to cross examine PW-1 Vipin Kumar and PW-2 Rajesh Kumar was dismissed.

[2]. Perusal of the record would show that on 19.10.2016, last opportunity was granted to the plaintiff to lead his evidence failing which the evidence was to be closed on deemed notion.

The case was adjourned for 21.10.2016. No PW was examined on the said date and the case was again adjourned for 10.11.2016 with an endorsement of last opportunity with the same condition. On 10.11.2016, the Presiding Officer was on leave and, therefore, the case was further adjourned for 07.12.2016 i.e. the date on which affidavits of PW-1 and PW-2 were tendered in examination-in-chief and the case was again adjourned to 20.02.2017 for cross-examination of the aforesaid witnesses.

[3]. The aforesaid PWs could not be cross-examined on 20.02.2017 and the case was again adjourned for 31.03.2017. On the said date, PWs did not come present and the case was adjourned for 20.04.2017 and last opportunity was granted to the plaintiff failing which the evidence was to be closed by order of the Court. On 20.04.2017 the witnesses could not be cross-examined by the defendant No.3/petitioner and the cross-examination was treated to be nil.

[4]. At the time of issuance of notice of motion on 08.09.2017, the aforesaid incriminating facts were noticed to the effect that the plaintiff had already been accommodated on number of occasions in leading evidence in affirmative. It was only on 20.04.2017, the cross-examinations of PW-1 and PW-2 at the instance of defendant No.3/petitioner could not be done

and the same was treated to be *nil* for the single default on the part of learned counsel appearing on behalf of the defendant. The order dated 03.05.2017 was just a repetition of order dated 20.04.2017 and the prayer for recalling of the order and for permission to cross-examine PW-1 and PW-2 was declined on 26.07.2017.

[5]. Learned counsel for the respondent No.1 submitted that since the plaintiff has already concluded his evidence, therefore, one opportunity be given to the defendant No.3/petitioner to cross-examine PW-1 and PW-2.

[6]. In view of above, this revision petition is allowed. The impugned orders dated 20.04.2017, 03.05.2017 and 26.07.2017 passed by the Civil Judge (Jr. Divn.), Jalandhar are hereby set aside. Normal consequences to follow.

August 28, 2018

*Atik*

Whether speaking/reasoned  
Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No  
Yes/No