

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 116

CR-6664-2018 (O&M)

Date of decision : 04.10.2018

Neeraj Ohri and another

..... Petitioners

VERSUS

Balbir Singh Bisla and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Onkar Singh, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 02.08.2018, passed by the Civil Judge (Senior Division), Hoshiarpur (for short, the Trial Court), through which the evidence of the petitioners/defendants was closed. Also under challenge is the order dated 28.08.2018, passed by the Trial Court, through which an application filed by the petitioners/defendants to complete their evidence, has been dismissed.

Learned counsel for the petitioners submits that all that the petitioners seek is that DW-1 Neeraj Ohri should be permitted to be cross-examined by the respondents/plaintiffs. It is contended that on 02.08.2018 when the impugned order was passed DW-1 Neeraj Ohri was present before the Trial Court but was not cross-examined. He prays that subject to payment of costs to be assessed by this Court, one opportunity be granted for doing the needful.

Without commenting on the fact whether on 02.08.2018 DW-1 Neeraj Ohri was present or not before the Trial Court but in line with the principles of natural justice and that if DW-1 Neeraj Ohri is not permitted to be cross-examined, he being the only witness of the petitioners/defendants, it

would virtually amount to allowing the respondents' suit by default as also for the reason that at the trial stage the petitioners may not be precluded from leading their entire evidence, subject to payment of ₹25,000/- as costs to be paid by the petitioners to the respondents, after setting aside the impugned orders, it is directed that DW-1 Neeraj Ohri shall appear before the Trial Court on a date fixed by it and on that day he shall be permitted to be cross-examined by the learned counsel for the respondents/plaintiffs.

The present petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

04.10.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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