

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

115

CR No.7789 of 2017 (O & M)
Date of Decision:16.01.2018

Jaskiran Kaur

...Petitioner

Versus

Manjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Petitioner is in the revision petition against the order treating the opportunity granted to the plaintiff-petitioner to cross-examine RW-1 as nil on the ground that sufficient opportunities have been granted but learned counsel for the plaintiff has failed to cross-examine the witness.

Learned counsel for the plaintiff-petitioner has pointed out that although some opportunities have been granted, however, RW-1 was partly cross-examined on 28.08.2017. He has further submitted that the learned counsel for the plaintiff was in difficulty and, therefore, further cross-examination of the witness could not be concluded. On the other hand, learned counsel for respondent No.1 has contested the petition vehemently and has submitted that repeated opportunities have been granted but plaintiff-petitioner is harassing RW-1, who has appeared in the witness-box on number of occasions.

Although, it is appreciable for the Court to try to expedite the

not possible for the counsel to appear.

Taking into consideration these facts, this Court is of the considered opinion that the impugned order passed by the learned trial Court is harsh. The orders dated 11.09.2017 and 03.10.2017 are set aside.

Plaintiff-petitioner is granted one opportunity to complete the cross-examination of RW-1 i.e. on 18.01.2018. RW-1 would make herself available for cross-examination. This opportunity shall be subject to the payment of cost of Rs.20,000/-.

Hence the revision petition is allowed.

The learned trial Court after concluding the evidence shall dispose of the proceedings under Order 39 Rule 2-A within a period of two months thereafter.

16.01.2018
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No