

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

Sr. No.117

C.R. No.8020 of 2018

Date of decision: 13.12.2018

Pardeep Kumar @ Deepu

....Petitioner

versus

Surjit Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anil Chawla, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 30.05.2018 passed by the Civil Judge (Junior Division), Amritsar (for short – the Trial Court) through which the cross-examination of PW-1-Surjit Singh has been ordered to be treated as Nil.

Learned counsel for the petitioner submits that on 22.05.2018 PW-1 Surjit Singh was examined-in-chief and his cross-examination was deferred to 30.05.2018. However, on 30.05.2018, due to a bona fide impression of the learned counsel for the petitioner appearing for him before the Trial Court that PW-1 Surjit Singh would not be present for cross-examination and that he would be produced on a later date, the witness could not be cross-examined by the counsel for the petitioner. He submits that PW-1 Surjit Singh is the plaintiff and without his cross-examination his suit would virtually be allowed by default. It is prayed that subject to

payment of reasonable costs, the petitioner be granted one opportunity to cross-examine him.

Without commenting on whether on 30.05.2018 PW-1 Surjit Singh was not cross-examined due to a bona fide impression which learned counsel for the petitioner appearing for him before the Trial Court carried but in line with the principles of natural justice and for the reason that if PW-1 Surjit Singh is not allowed to be cross-examined his suit would virtually be allowed by default as also because the petitioner/defendant's evidence is yet to start, subject to payment of ₹20,000/- as costs to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one and only one opportunity to cross-examine PW-1 Surjit Singh.

The petition is allowed in the above terms.

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

(DEEPAK SIBAL)
JUDGE

December 13, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No