

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.827 of 2018

Date of Decision.26.03.2018

Joginder Singh and others

.....Petitioners

Vs

Dr. Rajinder Kundu and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Ravi Dutt Sharma, Advocate
for respondent No.1.

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AMIT RAWAL J.(ORAL)

The petitioners-defendants are aggrieved of the impugned order dated 29.01.2018 whereby the cross-examination of DW4, Rana Bansal, handwriting expert treated to be nil, had been permitted to be cross-examined by the respondent-plaintiff subject to payment of costs.

Learned counsel appearing on behalf of the petitioners-defendants submitted that the respondent-plaintiff had already availed many opportunities for cross-examining the aforementioned witness. Even they have also examined the witness Shamsheer Singh Malik. The remedy for setting aside order treating the cross-examination to be nil was to file revision petition and not to ask for recalling of the order, therefore, there is gross illegality and perversity.

Mr. Ravi Dutt Sharma, learned counsel appearing on behalf of respondent No.1-plaintiff submitted that due explanation had been given in the application for recalling of the order. No prejudice or harm had been caused to the defendants in granting permission to cross-examine DW4

subject to payment of costs of ₹1000/-.

I have heard learned counsel for the parties and appraised the paper book.

Learned counsel for the petitioner submitted that the expert charges ₹4000/- for an appearance and sufficient opportunities had already been granted by the Court for the purpose of cross-examination but the respondent-plaintiff had been delaying the matter on the premise that the expert was not available for the purpose of rendering assistance to the counsel for cross-examination. Even costs imposed is too meager, therefore, no opportunity should have been given to the plaintiff as he has already availed number of opportunities.

I am of the view that the aforementioned submission of the counsel for the petitioners cannot be accepted, for, the explanation given in the application for cross-examination had been found justified or reasonable and other party i.e. the petitioners have been compensated in terms of money. Cross-examination of the expert would result into eliciting certain facts which would help the Court for adjudication of the *lis*.

In view of the aforementioned, I do not find any illegality and perversity in the order under challenge and the same cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 26, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No