

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 8554-2017 (O&M)

Date of decision: 24.01.2018

Kuldip Kaur

.....Petitioner

versus

Lakhbir Singh and another

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Dinesh Sharma, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

CM 1452-CII-2018

Documents are taken on record as Annexure P6 to P9 as prayed for. CM stands disposed of.

CR 8554-2017 (O&M)

Petitioner is aggrieved of the order dated 20.11.2017 (Annexure P3), passed by learned Additional Civil Judge (Senior Division), Payal, vide which, opportunity to cross-examine DWs Jaswant Rai and Lakhvir Singh was treated as nil as his counsel did not turn up. Also impugned is the order dated 22.11.2017 (Annexure P5), vide which, his application for recalling of the said order was dismissed.

Heard.

It comes out that on the date fixed, DWs were present. Court waited for the counsel for the plaintiff to come present but he did not turn up till late hours. Consequently, cross-examination was treated as nil.

Learned counsel for the petitioner states that for the default of the counsel, plaintiff should not be made to suffer. It is stated that the said witnesses are material witnesses and their cross-examination is necessary to arrive at a correct conclusion.

In the circumstances, without issuing notice to the respondents/defendants, the present revision petition is allowed and petitioner/ plaintiff is granted one opportunity to cross-examine the DWs Jaswant Rai and Lakhvir Singh on the date to be fixed by the trial Court, subject to payment of Rs.2000/- each as expenses to the said two witnesses.

24.01.2018*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No