

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

**CR-2810-2017 (O&M)
Decided on : 09.12.2019**

Pritam Singh and another

... Petitioner(s)

Versus

Raghubir Kaur and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vinod Kumar Kaushal, Advocate
for the petitioner(s).

Mr. Rajinder Sharma, Advocate
for respondent No.1.

Ms. Malvika Singh, Advocate
for respondents No.2 to 4.

MANJARI NEHRU KAUL, J.

The instant revision petition has been preferred to set aside the impugned order dated 06.02.2017 (Annexure P-1) passed by the Civil Judge (Jr. Divn.), Ajnala (hereinafter referred to as 'the Ld. Court below'), vide which the application of the petitioners (defendants No.4 & 5) for granting an opportunity for cross-examination of respondent No.1/plaintiff- Raghubir Kaur and another witness Balwinder Singh, has been dismissed.

It is contended that after the issues had been framed by the Ld. Court below, the case remained pending for evidence of the plaintiff/respondents. On 29.08.2016, as the counsel for the petitioners was busy before another Court, the matter was adjourned to 13.09.2016. However, it was only on 13.09.2016, it came to the notice of the petitioners that the opportunity to cross-examine the witnesses Raghubir Kaur and Balwinder Singh had been treated as 'Nil' and soon thereafter, the petitioners

moved an application for granting the opportunity to cross-examine both

these witnesses. However, the said application too was dismissed by the Ld. Court below vide impugned order dated 06.02.2017 (Annexure P-1).

It has thus been submitted that the Ld. Court below failed to consider the facts and circumstances under which the counsel could not cross-examine the aforesaid witnesses and prayed that a compassionate view be taken in this regard.

Heard.

Keeping in view the facts and circumstances of the case, the present petition is allowed and the impugned order dated 06.02.2017 (Annexure P-1) is hereby set-aside. Ld. Trial Court is directed to afford one last opportunity to the petitioners to cross-examine both the witnesses i.e. Raghbir Kaur and Balwinder Singh.

Costs deposited with the trial Court by the petitioners in compliance to the order dated 21.07.2017 of this Court, be remitted to the aforesaid witnesses at the time of cross-examination.

(MANJARI NEHRU KAUL)
JUDGE

December 09, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No