

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3122 of 2018(O&M)
Date of Decision: 05.03.2019

Bhagwinder Pal Singh

.....Petitioner

Versus

Radha Rani and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. M.S. Bains, Advocate
for the petitioner.

None for respondents No.1 and 4.

RAJ MOHAN SINGH, J.(Oral)

[1]. Perusal of the record would show that notice of motion was issued on 10.05.2018. Thereafter, respondent No.3 was proceeded against *ex parte* on 04.07.2018 and respondents No.2, 5 and 6 were ordered to be served by means of *dasti* process. On 31.10.2018, service qua respondent No.3, 5 and 6 was complete, but they did not turn up and they were proceeded against *ex parte*. Respondents No.1 and 4 were represented by

their counsel. Respondents No.7 and 13 were only proforma respondents and on the statement made by learned counsel for the petitioner, service qua them was dispensed with. Today, there is no representation on behalf of respondents No.1 and 4.

[2]. Petitioner has assailed the order dated 30.03.2018 passed by Civil Judge (Junior Division), Ludhiana vide which AW 1 Sarabjit Singh was partly cross-examined and the case was adjourned for remaining cross-examination of AW 1 and he was bound down for the date fixed i.e. 24.04.2018.

[3]. Learned counsel for the petitioner submitted that earlier vide order dated 05.05.2017, cross-examination of AW 1 Sarabjit Singh was treated to be *nil*. Against the said order, CR No.5942 of 2017 was filed in the High Court. Vide order dated 15.02.2018, Revision Petition was allowed and the impugned orders therein i.e. 05.05.2017 and 20.07.2017 passed by the trial Court were set aside. One opportunity was afforded to the present respondents to cross-examine AW 1 Sarabjit Singh. Cross-examination of AW 1 Sarabjit Singh was allowed to be done on 26.02.2018 or any other date convenient to the Court subject to payment of costs of Rs.5000/- to be deposited with the District Legal Services Authority, Ludhiana.

[4]. Thereafter, AW 1 Sarabjit Singh was partly cross-examined on 30.03.2018 and further cross-examination was

deferred at the instance of learned counsel for the plaintiffs as the learned counsel for the plaintiffs wanted to put certain documents to the witnesses.

[5]. Learned counsel further submitted that only one opportunity was granted by the High Court for cross-examination of AW 1 Sarabjit Singh on the date fixed or any other convenient date. Cross-examination of AW 1 Sarabjit Singh started on 30.03.2018 and the same was not supposed to be deferred beyond the opportunity granted by the High Court.

[6]. Impugned order dated 30.03.2018 is suggestive of the fact that AW 1 Sarabjit Singh was partly cross-examined and the case was adjourned to 24.04.2018 for remaining cross-examination. The said order is against the opportunity granted by the High Court in CR No.5942 of 2017 decided on 15.02.2018.

[7]. Perusal of the record would show that High Court granted only one opportunity for cross-examination of AW 1 Sarabjit Singh. Having availed that opportunity, the plaintiffs cannot be permitted to ask for further deferment in order to put certain documents. The aforesaid indulgence granted by the trial Court is beyond the scope of order dated 15.02.2018 passed by the High Court in CR No.5942 of 2017.

[8]. In view of aforesaid, I deem it appropriate to set aside

the impugned order dated 30.03.2018 passed by Civil Judge (Junior Division), Ludhiana as the plaintiffs cannot be permitted to further cross-examine AW 1 Sarabjit Singh in any manner. This revision petition is accordingly allowed.

05.03.2019	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No