

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

CR No.6288 of 2017

Date of decision: 01.11.2019.

Parshotam Singh and others

...Petitioners

Versus

Sukhdev Singh and others

...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. A.D.S. Sukhija, Advocate for the petitioners.

None for the respondents despite service.

B.S. Walia, J. (Oral)

1. Prayer in the revision petition is for setting aside orders dated 17.07.2017 and 16.08.2017, passed by the learned Civil Judge (Junior Division), Dera Bassi, Mohali, in Civil Suit titled as 'Sukhdev Singh and another vs. Kulwant Singh and others' recording further cross-examination of PW-1, Sukhdev Singh, as 'nil', and for grant of one opportunity to conclude the cross-examination of said witness.

2. Learned counsel contends that PW-1, Sukhdev Singh, was subjected to lengthy cross-examination in the pre-lunch session but in the post-lunch session, learned counsel for petitioners/defendant Nos.2 to 4 could not attend Court due to circumstances beyond his control, consequently, further cross-examination of PW-1 was recorded as 'nil'. Learned counsel contends that one opportunity be granted to conclude the cross-examination of PW-1, Sukhdev Singh, subject to such terms as to costs as deemed appropriate by this Court failing which grave prejudice would be caused to the petitioners/defendants.

3. While issuing notice of motion on 15.09.2017, passing of final order by the learned trial Court was stayed. Despite service none has put an appearance on behalf of the respondents, in the circumstances I am not inclined to adjourn the matter any further.

4. I have considered the submission of learned counsel for the petitioners.

5. Admittedly, as per the stand of learned counsel for the petitioners lengthy cross-examination of PW-1, Sukhdev Singh, was conducted in the pre-lunch session but in the post-lunch session, learned counsel representing the petitioners before the learned trial Court could not appear due to circumstances beyond his control, consequently further cross-examination of PW-1 was recorded as 'nil', whereas one short opportunity ought to have been granted for further cross-examination of PW1 on such terms as to costs as deemed appropriate by this Court, instead of resorting to the drastic action of ordering the further cross-examination of PW-1 as 'nil'.

6. In view of the position as noted above, the impugned orders are set aside and the petitioners afforded one opportunity to conclude the cross-examination of PW-1 on a date to be given by the learned trial court subject to payment of costs of ₹10,000/- to be paid by the petitioners/defendants to the respondents/plaintiffs. No further opportunity shall be granted.

7. Revision petition allowed in aforementioned terms.

01.11.2019.
rajesh.k.khurana

(B.S. Walia)
Judge

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |