

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

CR No.1061 of 2019

Date of Decision : 12.03.2019

Meenakshi Sharma

.....Petitioner

Versus

Happy Sharma

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gourav Goel, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Seen Office Report.

2. The respondent has already been served through his Counsel in the Ld. Court below.

3. Seen the impugned order dated 5th February, 2019, in which it is mentioned that one 'PW' is present and examined, and that no “other RW is present”. However, from the document (Annexure P-4) which is an extract from the evidence of PW-1-Happy Sharma signed by the Ld. Presiding Officer on the same date (5th February, 2019), it is seen that the witness (PW) was recalled for cross-examination on that day, and thereafter it was noted “cross-examination given opportunity Nil” without explaining anywhere as to why such opportunity was declined. In the given circumstances, the impugned order is clearly unsustainable.

4. The Revision, which has not been contested on behalf of the respondent, is therefore allowed, with a direction upon the Ld. Trial Court to grant one single opportunity to the petitioner to complete cross-examination of PW-1 on a date to be specified by the Ld. Trial Court, before evidence/further evidence from the respondent's side is led.

5. A copy of this order be given to Ld. Counsel for the petitioner under the signatures of the Bench/Special Secretary of this Court.

March 12, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No