

CR No.2037 of 2019

{1}

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

CR No.2037 of 2019

Date of decision:29.3.2019

Vikram and others

... Petitioners

Vs.

Gurdev Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anuj Balian, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Mr. Anuj Balian, learned counsel for the petitioners submitted that defendants on 13.02.2019, Annexure P-2 tendered the documents which were objected to mode of proof in the following manner:-

“DW1 Ram Lal son of Narain Dass age about 84 years r/o village Kesri, Tehsil Ambala.

Stated that I in my affidavit my duly attested statement Ex.DW1/A and produce documents Ex.D1 to Ex.D107 which may be read as a part of my statement. (All documents objected to mode of proof) original counter file seen and returned).

Cross by Sh. D.P.Baliyan, Advocate for plaintiff.

Cross deferred on the request of plaintiff counsel.

13.02.2019

Sd/-

CJ(J.D)

13.02.2019.”

The application was moved for de-execution of the documents but the Court below has taken the objection to be taken at the final stage and closed the evidence on the ground that counsel for the plaintiff refused to examine DW1.

Though without issuing notice, I am of the view that such tenor and mode of the counsel for not cross-examining the witness of the defendants is not appreciated by this Court.

In the interest of justice, I am of the further view that an opportunity should be granted, for, objection qua counsel should have been decided earlier. The impugned order is modified to the extent that petitioner-plaintiffs would be granted an opportunity to cross-examine DW1-Ram Lal subject to costs of Rs.5,000/- in order to defray the costs of litigation.

The revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

March 29, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No