



charge over the land, which was detailed and described in the head note of the plaint, was also sought.

On being put to notice, the petitioner appeared before the Trial Court and filed his written statement. Thereafter, the Trial Court framed the issues. In support of their case, the respondents produced four witnesses including PW-3 – Dr. Inderjeet Singh and PW-4 – Rajinderpal. Through the orders under challenge, the cross-examination of the afore-named witnesses has been ordered to be treated as 'Nil'.

Learned counsel for the petitioner has been heard.

A perusal of the interim orders passed by the Trial Court reveals that PW-3 – Dr. Inderjeet Singh was available for cross-examination on two occasions but the petitioner failed to cross-examine him. Same was the case with regard to PW-4 – Rajinderpal.

Since the evidence of the defendant is yet to be led, in line with the principles of natural justice as also not to preclude the petitioner from raising his defence at the threshold of the litigation filed against him, subject to payment of Rs.10,000/- as costs, to be paid by the petitioner to the respondents, the impugned order is set aside and the petitioner is granted one opportunity to cross-examine both witnesses i.e. PW-3 – Dr. Inderjeet Singh and PW-4 – Rajinderpal, on a date to be fixed for the same by the Trial Court.

The present petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

( DEEPAK SIBAL )  
JUDGE

March 28, 2019  
*monika*

|                                    |                |
|------------------------------------|----------------|
| <i>Whether speaking/reasoned ?</i> | <i>Yes/No.</i> |
| <i>Whether reportable ?</i>        | <i>Yes/No.</i> |