

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2492 of 2019(O&M)
Date of Decision: 30.05.2019

Darshan Lal

.....Petitioner

Versus

Balwant Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Yogesh Saini, Advocate
for the petitioner.

Mr. Vikas Bahl, Sr. Advocate with
Mr. Akshay Rawal, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred by the petitioner against the order dated 09.04.2018 passed by Civil Judge (Senior Division), Ludhiana vide which evidence of the petitioner was closed by order of the Court.

[2]. At the time of issuance of notice of motion on 12.04.2019, following order was passed:-

“Learned counsel for the petitioner contends that four PWs have already been examined in examination-in-chief including the plaintiff Darshan Lal as PW3. Learned counsel for the defendant made a

statement that he would cross-examine the plaintiff Darshan Lal first in time. Except the cross-examination of witnesses whose examination-in-chief (affidavit) have been tendered, remaining evidence of the plaintiff was closed by order of the Court on 09.04.2018.

Learned counsel further points out that only cross-examination of PW3 is complete and cross-examination of remaining three PWs have not been conducted so far. The case is still at the stage of leading plaintiff evidence.

Notice of motion for 21.05.2019.

Dasti as well.

Liberty is also granted to serve the respondents through their learned counsel appearing before the trial Court.

Till the next date of hearing, trial Court shall adjourn the proceedings beyond the date fixed by this Court.”

[3]. Evidently, four PWs had tendered their affidavits in examination-in-chief including the plaintiff as PW 3. learned counsel for the defendant made a statement before the trial Court that he would cross-examine plaintiff Darshan Lal in first point of time. Except the cross-examination of witnesses whose affidavits were tendered in examination-in-chief, remaining evidence of the petitioner was closed by order of the Court on 09.04.2018. Cross-examination of plaintiff Darshan Lal was completed and cross-examinations of remaining PWs were to

be conducted at a later stage. As on date, cross-examinations of left out PWs have already been concluded except PW 2.

[4]. On 21.05.2019, learned Senior Counsel for respondents No.1 and 2 gave a concession that he has no objection in case, cross-examinations of all those four PWs be conducted including PW 2, whose affidavits in examination-in-chief were tendered prior to order dated 09.04.2018. No other witness except the aforesaid four PWs be permitted to be examined by the plaintiff.

[5]. In my considered opinion, the offer given by learned Senior Counsel for respondents No.1 and 2 is fair enough to accommodate the petitioner in this revision petition.

[6]. This revision petition is accordingly disposed of.

30.05.2019	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No