

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

CR No.5196 of 2019

Date of decision: 29.08.2019

Balwant Kaur

....Petitioner

Versus

Ritu Saggar

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Navjeet Singh, Advocate,
for the petitioner.

RITU BAHRI J. (Oral)

Challenge in this petition is to the orders dated 09.05.2019 & 18.07.2019 (Annexures P-3 & P-4 respectively) passed by the Civil Judge (Junior Division), Ludhiana, whereby cross-examination of witnesses namely Ritu Saggar (PW-8), Jeet Singh (PW-9) and Hemant Ghai (PW-10) has been treated as 'nil'.

Learned counsel for the petitioner contends that plaintiff-respondent filed a suit (Annexure P-1) for recovery of Rs.10,72,000/- against the defendant-petitioner in the year 2016. After notice of the suit, defendant-petitioner appeared before the trial Court and filed a detailed written statement dated 23.02.2018 (Annexure P-2). On 30.04.2009, affidavits of aforesaid witnesses i.e. PW-8 to PW-10, were tendered as their examination-in-chief and the case was adjourned to 09.05.2019 for cross-examination of the witnesses. However, vide impugned orders dated 09.05.2019 & 18.07.2019 (Annexures P-3 & P-4), their cross-examination has been ordered to be treated as 'nil'. Learned counsel refers to the zimni

orders (Annexure P-5) to contend that examination-in-chief of PW-8, PW-9

and PW-10 and contends that learned counsel for defendant-petitioner could not appear in Court on 09.05.2019 due to his marriage. Thereafter, she (petitioner) changed her counsel, who filed his power of attorney on 18.07.2019, but the trial Court proceeded to treat the cross-examination of aforesaid witnesses as 'nil.'

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner (defendant), this Court deems it appropriate to provide some time to the petitioner (defendant) to cross-examine the above mentioned witnesses of plaintiff.

In view of the above, impugned orders dated 09.05.2019 & 18.07.2019 (Annexures P-3 & P-4 respectively) are set aside and one effective opportunity is granted to defendant-petitioner to cross-examine the witnesses of the plaintiff, namely Ritu Saggar (PW-8), Jeet Singh (PW-9) and Hemant Ghai (PW-10), subject to costs of ₹5,000/- to be deposited with the District Legal Services Authority, Ludhiana.

Allowed accordingly.

(RITU BAHRI)
JUDGE

29.08.2019
ajp

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No