

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

CR No. 6002 of 2019 (O&M)

Date of decision: 23.09.2019

Manjit Singh

...Petitioner(s)

Versus

Usha Dhawan and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Onkar Rai, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

Learned counsel for the petitioner, while referring to the order dated 17.05.2019 (Annexure P-5) contends that after framing issues on 06.10.2017, the plaintiff had obtained 25 effective opportunities to conclude evidence and the case was adjourned to 28.05.2019. Thereafter on 28.05.2019, PW3 Kartar Singh was examined-in-chief and the case was adjourned to 08.07.2019 for cross-examination of PW3 and for remaining PWs. On 08.07.2019, this witness was present and on the request made by the defendant, the matter was adjourned to 29.07.2019 for cross-examination of PW3. Vide impugned order dated 29.07.2019 (Annexure P-4), the cross-examination of witness PW3 Kartar Singh was treated as nil.

The grievance of the petitioner is that after availing only one opportunity to cross-examine PW3 on 08.07.2019, the cross-examination of this witness Kartar Singh was treated as nil and the case was adjourned to 19.08.2019 for remaining witnesses.

The grievance of the petitioner is genuine as he had availed only one opportunity to cross-examine this witness whereas the plaintiff had availed 25 opportunities to conclude evidence and even on 19.08.2019, the case was adjourned for recording evidence of plaintiff.

Revision is allowed and the order dated 29.07.2019 (Annexure P-4) is being set aside and the trial Court is directed to give one effective opportunity to the petitioner/defendant to cross-examine PW3 Kartar Singh.

Pending application stands allowed.

23.09.2019
Divyanshi

(RITU BAHRI)
JUDGE

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