

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8152-2019
Date of decision: 18.12.2019

Inderjeet Singh and another

.....Petitioners

versus

Shiv Kumar

.....Respondent

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr. Shekhar Choudhary, Advocate for the petitioners

Deepak Sibal, J. (Oral)

The present petition is directed against the order dated 09.12.2019 passed by the Additional Civil Judge (Senior Division), Derabassi (for short, the Trial Court) through which cross-examination of PW1 and PW2 has been ordered to be treated as nil.

The facts in brief, which need to be noticed for adjudicating upon the present petition are that PW1-Shiv Kumar and PW2-Sanjiv Kumar were examined-in-chief on 04.11.2019 and 18.11.2019 respectively. Thereafter on 06.12.2019 PW1 was partly cross-examined and the matter was adjourned to 09.12.2019 for cross-examination of both the aforesaid witnesses on which date learned counsel appearing for the petitioners before the Trial Court was not available as he had to attend the marriage of his nephew in Fatehpur, District Kangra (Himachal Pradesh) and for which reason the Trial Court was requested to adjourn the matter which request was declined and resultantly the cross-examination of PW1 and PW2 was ordered to be treated as nil. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the petitioners submits that PW1 and PW2

were examined-in-chief on 04.11.2019 and 18.11.2019 respectively and PW1 was partly cross-examined on 06.12.2019. Thereafter on 9.12.2019 learned counsel for the petitioners who was to cross-examine the aforesaid two witnesses was not available as he had to attend the marriage of his nephew in Fatehpur, District Kangra (Himachal Pradesh). A request was made to the Trial Court to grant one opportunity to cross-examine the aforesaid witnesses but the same has been wrongly denied. A prayer was made for grant of one more opportunity to cross-examine the aforesaid witnesses.

A perusal of the record, which includes the wedding card of the nephew of learned counsel appearing for the petitioners before the Trial Court reveals that on the date the impugned order was passed there was a wedding of the nephew of learned counsel appearing for the petitioners before the Trial Court in Fatehpur, District Kangra (Himachal Pradesh).

In view of the above, the impugned order is set aside and the petitioners are granted one opportunity to cross-examine both the aforesaid witnesses.

The petition is allowed in the above terms.

If the respondent is aggrieved by passing of the present order, he is at liberty to approach this Court by filing of an appropriate application.

18.12.2019

gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No