

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.02.2020****CR No.722 of 2020**

Ajay Gupta

...Petitioner

Vs.

Darbara Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (ORAL)

1. Having heard the learned counsel for the petitioner on who should start first to cross-examine DW-2 Darbara Singh, this petition is disposed of with a request direction to the Civil Judge (Junior Division), Rupnagar seized of the matter, while upholding the impugned order dated 18.12.2019, to advise the Junior Judge that when DW-2 Darbara Singh is first cross-examined by the counsel for the plaintiff, neither would the counsel for defendant No.2 nor defendant No.2 be present in the court room or in sight and in ear-shot during the process of recording the cross-examination of DW-2 Darbara Singh. This would ensure that neither defendant No.2 nor his counsel have heard the testimony of the witness during the first leg of the cross-examination. Only after the cross-examination by the plaintiff is over, the learned counsel for defendant No.2 and defendant No.2 shall be allowed to enter the court room and permitted to cross-examine DW-2 Darbara Singh. This exercise should be completed on a single day one after the other with the witness present in court while ensuring that there is no adjournment even for a single day or any gap

between the two and well before the testimony in the first cross-examination is known to defendant No.2 or his counsel. Thereafter, the trial court will record further evidence, if any, and proceed with the suit in accordance with law. This arrangement would put an effective end to the anxiety expressed in this petition of the sequential order of the two cross-examinations of the same witness. Neither would any prejudice be caused to the parties by the sequential order of the cross-examination or any prompting during the recording of the depositions.

2. It is ordered accordingly.

17.02.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No