

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

126

CR-946-2020

DATE OF DECISION: 10.02.2020

KAMALJIT KAUR

... Petitioner(s)

Versus

RAMESH KAKKAR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Hitesh Ghai, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the orders dated 25.09.2019 (Annexure P-7) and 11.12.2019 (Annexure P-10) whereby his application for cross-examination of PW-3 has been dismissed.

Learned counsel for the petitioner contends that the respondent had filed a suit for specific performance of agreement to sell and PW-3, who had tendered his affidavit, is the attesting witness to the agreement to sell, and, therefore, it is necessary to cross-examine him. The case was listed on 11.09.2019 whereon counsel for both the parties had made a statement that there are chances of compromise and the case was adjourned to 25.09.2019. PW-3 was present on 25.09.2019 but the petitioner could not cross-examine the witness as talks for compromise were going on and the cross-examination of the witness was treated as nil. He also contends that the petitioner may be granted only one opportunity to cross-examine PW-3 subject to reasonable costs.

Heard.

PW-3 is stated to be the attesting witness to the agreement to sell and he has filed his affidavit. The petitioner is seeking only one opportunity to cross-examine PW-3 and in the event of the petitioner not being granted an opportunity to cross-examine PW-3, prejudice would be caused to her. It would be in the interest of justice, equity and fair play if the petitioner is granted one opportunity to cross-examine PW-3.

In view of the limited prayer of learned counsel for the petitioner to grant only one opportunity to cross-examine PW-3, I intend to dispose of this petition without issuing notice to the respondent.

Consequently, the petition is allowed and the impugned orders dated 25.09.2019 (Annexure P-7) and 11.12.2019 (Annexure P-10) are set aside. The petitioner shall be granted one opportunity to cross-examine PW-3 subject to payment of Rs.5,000/- as costs to be paid to the respondent. However, it is made clear that the petitioner will not make any further request to adjourn the matter.

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

(ANUPINDER SINGH GREWAL)
JUDGE

10.02.2020.

SwarnjitS

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