

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

116

**CR-3280-2021
Date of Order: 20.12.2021**

MANPREET SINGH

..Petitioner

Versus

RAMINDER SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Suneet Pal Singh Aulakh, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

On 14.12.2021, the following order was passed:-

“The learned counsel representing the petitioner inter alia contends that the plaintiff was partially cross-examined on 18.09.2021, and the case was adjourned for further cross-examination of the plaintiff. He submits that thereafter, inadvertently the evidence of the plaintiff was not recorded, although, the plaintiff examined the various other witnesses. He submits that the aforesaid error came to the notice of the petitioner when it was pointed out by the learned counsel representing the defendant. He submits that the petitioner only prays for an opportunity to appear in the witness-box for further cross-examination.

Notice of motion.

Sh. Suneet Pal Singh Aulakh, Advocate, has entered appearance on behalf of respondent No.1.

The learned counsel representing the petitioner has informed the Court that the remaining respondents are proforma.

Hence, issuance of notice is dispensed with.

Adjourned to 20.12.2021.

To be list in urgent.”

The learned counsel representing the respondent No.1, has drawn the attention of the Court to the various orders passed by the Court on various dates of hearing and submits that the plaintiff did not come forward to face cross-examination.

No doubt, there are certain daily orders which support the plea of the learned counsel representing respondent No.1, however, it is also correct that the Court never passed any order barring the plaintiff to appear for further cross-examination.

Now, the situation is that an incomplete statement of the plaintiff is part of the Court record. The plaintiff has filed a suit for grant of decree of declaration with regard to a registered Will executed by late Sh. Harbans Singh. In other words, the dispute is with regard to the inheritance of property left by late Sh. Harbans Singh. The petitioner as well as respondent No.1 are children of late Sh. Harbans Singh.

Keeping in view the aforesaid facts, in the considered opinion of the Court, it would be more appropriate to permit the petitioner to appear in the Court to face cross-examination. However, the petitioner is granted a last opportunity.

The trial Court is required to fix a date for appearance of the plaintiff in the witness-box. This opportunity shall be subject to the payment of cost of Rs.10,000/-. If the petitioner fails to appear on the date fixed by the Court, the revision petition shall be deemed to have been dismissed.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

December 20, 2021

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**(ANIL KSHETARPAL)
JUDGE**

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