

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

**CR-777 of 2017 (O&M)
Date of decision: 09.09.2022**

Gurinder Kaur @ Gurwinder Kaur

..Petitioner

Versus

Manjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Bhupinder Kumar Gupta, Advocate,
for respondent no.1

ANIL KSHETARPAL, J(Oral)

Defendant no.7 in a suit for grant of decree of declaration to the effect that the plaintiff is the sole owner to the exclusion of the defendants of movable and immovable property has filed the present revision petition. He has been denied opportunity to cross examine PW2. His application for recall of the aforesaid order has also been dismissed.

It is evident from the order dated 19.07.2016, that counsel representing defendant no.1 and 4 to 7 was present when the opportunity was declared NIL on the ground that several opportunities have been granted. The Court should have either recorded that despite opportunity the counsel did not come forward to cross examine the witness or he is not present.

Once the learned counsel representing the defendants was present, the opportunity should have been given to him to cross-examine the said witness. Moreover, an application for recall of the aforesaid order was also filed which was dismissed by the trial Court .

Keeping in view the aforesaid facts, the trial court is requested to grant one opportunity to the learned counsel representing defendant no.1, 4 to 7, to cross-examine PW2. However, this opportunity shall be subject to payment of costs of Rs.5,000/- which shall be payable to the plaintiff towards the cost of bringing PW2 once again in witness box.

Disposed of accordingly.

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

September 09, 2022

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(ANIL KSHETARPAL)
JUDGE

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