

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

120

CR-3340 of 2019(O&M)
Date of decision: 24.08.2022

Ashok Kumar

..Petitioner

Versus

Bhola Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kartik Gupta, Advocate, for the petitioner.
Mr. A.P.Kaushal, Advocate, for respondent no.1
Mr. Arun Bansal, Advocate and
Mr. Sandeep Bansal, Advocate, for respondent no.2 to 4.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a plaintiff in a suit for grant of decree of possession by way of specific performance of the agreement to sell.

During the pendency of the suit, he has been refused permission to cross-examine DW7, a witness examined by the defendants. Even an application for recall of the aforesaid order has been dismissed.

The learned counsel representing the petitioner contends that on 21.01.2019, affidavit of DW7 in lieu of his examination-in-chief was tendered and the matter was deferred after lunch while granting an opportunity to the plaintiff to cross examine the witness. However, due to non availability of the counsel, the cross examination was treated as NIL.

On the other hand, the learned counsel representing the respondents vehemently disputes this fact.

Keeping in view the facts of the case, it is considered appropriate to grant one opportunity to the petitioner to cross-examine DW7, subject to payment of costs of Rs.5000/- which shall be payable to the defendants.

DW7 is stated to be an official from the HDFC Bank. The petitioner shall have the liberty to file an application for summoning DW7 for cross-examination. The Court shall issue summons to DW7. It shall be the responsibility of the petitioner to serve the notice on DW7.

The petitioner shall be granted one effective opportunity to cross-examine the witness.

The suit was filed in the year 2008. Hence, the trial court is requested to conclude the trial of the suit, positively, within a period of 2 months, from today.

Disposed of accordingly.

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

August 24, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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