

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4597 of 2019(O&M)
Date of Order: 05.04.2022

Baljit Singh

..Petitioner

Versus

Harvinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.G.S.Saini, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a defendant in a pending suit filed for grant of decree of declaration to the effect that the plaintiff is the joint owner in the joint possession of the suit property being ancestral and coparcenary property. Defendant no.7 is stated to be the only contesting defendant. The petitioner is aggrieved of the order passed by the trial Court on 11.07.2019, while directing that the opportunity to cross-examine the plaintiff's witnesses is treated as NIL.

The learned counsel submits that on 15.05.2019, PW1 was not present and the affidavit of PW2 in lieu of examination-in-chief was tendered. The case was adjourned on the request of the learned counsel representing the petitioner to 31.05.2019. On 31.05.2019, after noticing that PW1 and PW2 are not present for cross-examination, the case was adjourned to 11.07.2019.

On that day, despite request for an adjournment, an opportunity to the defendants to cross-examine the witnesses has been closed.

The learned counsel representing the petitioner contends that the brother-in-law of the counsel representing defendant no.7 had died in an

automobile accident therefore, the petitioner's counsel could not appear and the petitioner's request for an adjournment was declined.

After having heard the learned counsel representing the petitioner, this Court is of the opinion that the order in question is harsh.

Keeping in view the aforesaid facts, the order under challenge is set aside. The revision petition is allowed. The trial Court is requested to grant one more opportunity to the petitioner to cross-examine the plaintiff's witnesses, namely, PW1 and PW2.

Let the trial Court fix a date of hearing for that purpose.

Disposed of accordingly.

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

April 05, 2022

(ANIL KSHETARPAL)
JUDGE

nt

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