

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.109

CR No.4576 of 2022
Date of Decision: 23.11.2022

Jagbir and another

.... Petitioners

Versus

Karamwati

.... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepkaran Dalal, Advocate
for the petitioners.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed impugning the order dated 23.09.2022 (Annexure P-1) passed by the trial Court whereby the respondent/plaintiff's application dated 12.09.2022 (Annexure P-4) seeking permission to conduct her cross-examination was allowed.

2. Learned counsel for the petitioners has contended that the plaintiff tendered her affidavit in examination-in-chief on 11.10.2019, and thereafter, on a statement made by the counsel on 05.12.2019, her evidence was closed. Now, when the trial is at rebuttal stage, she cannot be allowed to be cross-examined as that will cause prejudice to the defendants and would delay the trial also. Besides, since the evidence has been closed on the statement of counsel for the plaintiff, there is no reason she should be allowed to be cross-examined.

3. In the facts of the case as apparent on record, the affidavit in examination-in-chief of the plaintiff was tendered on 11.10.2019 and

remaining evidence on her behalf was also led. It is not believable that she would not present herself for cross-examination after the examination-in-chief. Her cross-examination was first deferred on the request by the defendants only. It was only on account of some inadvertent misunderstanding, as claimed by the plaintiff, that the statement closing her evidence was made by the counsel. In case the trial Court has allowed the application and permitted her cross-examination on the examination-in-chief already recorded, that too subject to payment of costs and grant of further opportunity to the defendants to lead evidence, if required, it cannot be said that any prejudice will be caused to the defendants. The impugned order does not suffer from any illegality or infirmity.

4. Therefore, there is no ground to interfere with the impugned order.

5. It is, however, clarified that only one opportunity will be granted to the plaintiff for her cross-examination.

6. Petition stands dismissed, with the aforesaid observation.

(TRIBHUVAN DAHIYA)
JUDGE

23.11.2022
Maninder

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