

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 122

Civil Revision No.4834 of 2022 (O & M)
Date of Decision: October 29, 2022

Balbir Singh

..... PETITIONER(S)

VERSUS

Raj Rani & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Kanwar Pahul Singh, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This petitioner has been filed under Article 227 of the Constitution of India for setting aside order dated 17.09.2022, whereby the trial Court has allowed the application filed by respondent No.1/ plaintiff to cross examine one of the defendants' witnesses, i.e., DW-4.

The facts of the case show that the witness could not be cross examined earlier by the plaintiff's counsel on 22.08.2022, on account of his being occupied in another Court. The trial Court, vide the impugned order, has allowed the witness to be cross examined by the plaintiff subject to payment of ₹ 500 as costs to the petitioner-defendant, on the ground that for lapse of the counsel, party should not be made to suffer. Failure to cross examine the witness by the counsel would cause serious prejudice to the rights of the plaintiff. Therefore, there is nothing wrong in the trial Court order permitting the witness to be cross-examined.

Dismissed.

Since the main petition stands dismissed, pending applications, if any, are disposed of having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

October 29, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No