

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR 5734/2022

Date of decision:6.12.2022

Manpreet Kaur

.....Petitioner

Vs.

Ranbir Kaur and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.KBS Mann, Advocate for the petitioner

Nidhi Gupta,J.

Present revision petition is for setting aside the order dated 19.11.2022 passed by Id. Judicial Magistrate 1st Class, Sri Muktsar Sahib whereby the application dated 10.10.2022 moved by the petitioner under Order 18 Rule 17 CPC, to recall the witnesses for further cross examination has been dismissed.

At the very outset counsel for the petitioner submits that in the interest of justice one effective opportunity may be granted to the petitioner to examine all the witnesses on one date. In support, learned counsel relies upon judgment of this Court in '**Shera v Asha Ram**' (P&H) **Law Finder Doc Id #52026**. Learned counsel further states that PW2 was not properly cross examined by the previous counsel of the petitioner/

defendant no.1 on all material aspects regarding documents on the complaint Ex. PW2/A; and PW3 was not properly examined by previous counsel with regard to detail of 'Tabdil Malkiat', and the same is very essential for the just and proper decision of the matter.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

No doubt three witnesses from the plaintiff side including official witnesses already stand examined and cross examined by the earlier counsel for the petitioner/defendant No.1, and now the suit is at the stage of defendant's evidence. However, in view of the aforesaid pronouncement of law on the issue, and in the interest of justice, I deem it fit to allow the present petition. Accordingly, order dated 10.10.2022 is set aside and learned trial court is directed to fix a date and grant one effective opportunity to the petitioner to recall/ examine all witnesses on one day, however, subject to payment of Rs.10,000/- as costs by the petitioner to the respondents.

Disposed of accordingly.

06.12.2022

Joshi

(Nidhi Gupta)

Judge

Whether speaking/reasoned

Whether reportable

Yes

Yes/No