

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

114

CR No.1060 of 2023 (O&M)
DATE OF DECISION : 16th FEBRUARY, 2023

Gita Bhawan Public School Society and others

.... **Petitioners**

Versus

Swami Sehaj Parkash and others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Navjot Singh Wahniwal, Advocate,
for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed for setting aside the order dated 02.01.2023 (Annexure P-1) passed by the Civil Judge (Junior Division), Moga, whereby the application filed by the petitioners/plaintiffs for examining PW1 Vijay Kumar Sood through commission has been dismissed, with certain other prayers made in the present petition.

It is submitted by the counsel for the petitioners that the application moved on behalf of the petitioners for getting the cross-examination of PW-1 Vijay Kumar Sood to be conducted through the commission has wrongly been discarded. The said witness is suffering from Prostate Grade-III. Therefore, he is feeling difficulty in coming to the Court. Moreover, the said witness has been produced before the trial Court several times. However, the cross-examination of the said witness has not been completed. The cross-examination of the said witness was

deferred. Hence, it was in the fitness of the things that the commission was sent to the witness for his further cross-examination.

Having heard the counsel for the petitioners and having perused the case file, this Court does not find much substance in the arguments raised by the counsel for the petitioners qua issuance of the commission for conducting cross-examination of the said witness. However, the counsel has rightly submitted that the cross-examination of the said witness has to be completed with due promptitude and on a single date, keeping in view his physical condition.

Accordingly, while the order passed by the trial Court is upheld, the present petition is disposed of by directing the trial Court to fix a date for cross-examination of the said witness. The petitioners are directed to produce the said witness on the said date and the cross-examination of the said witness shall be completed, by all the respondents, on a single day. Even if the Court has to hear the case throughout the day on the said date, the trial Court is directed to do the same. No further adjournment shall be granted by the trial Court for cross-examination of the said witness; for any reasons whatsoever.

16th FEBRUARY, 2023
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>