

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

133

2024:PHHC:000933

CR-26-2024

Date of decision: 08.01.2024

KRISHNA DEVI

..Petitioner

Versus

**PURSHOTAM DASS (DECEASED) THROUGH
LRS AND OTHERS**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Jindal, Sr. Advocate
with Mr. Pankaj Gautam, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed by the plaintiff to assail the correctness of order passed by the trial Court on 16.12.2023, while dismissing his application for striking off the cross-examination of the witnesses examined by defendant No.1 at the hands of defendant No.2 to 5.
2. The trial Court has observed that there is no provision for deletion of cross-examination of the witness.
3. The learned Senior counsel representing the petitioner contends that defendant No.1 and defendant No.2 to 5 admitted the execution of the Will. Hence, the learned counsel representing defendant No.2 to 5 had no jurisdiction to cross-examine the witnesses examined by defendant No.1 and that also particularly when the plaintiff had cross-examined the witness.
4. This Court has considered the submissions of the learned Senior Counsel representing the petitioner.
5. In the considered opinion of the Court, the appropriate course of action shall be to request the trial Court to examine the aforesaid issue while deciding the main case.

6. At this stage, it would be more appropriate to decide the matter as an abstract proposition of law.
7. Keeping in view the aforesaid facts, the revision petition is disposed of while requesting the trial Court to consider this matter independently without being influenced by the impugned order at the time of final decision of the case.
8. All the pending miscellaneous applications, if any, are also disposed of.

January 08th, 2024
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(ANIL KSHETARPAL)
JUDGE

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