

2024:PHHC:039388

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

CR-1758-2024 (O&M)
Date of decision: 19.03.2024

Jaswinder Singh

...Petitioner

Versus

Harpreet Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.S.Bedi, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the plaintiff assails the correctness of the order dated 07.02.2024, whereby an opportunity of the petitioner to cross-examine DW4-Sh.Harpreet Singh has been treated as nil. Learned counsel representing the petitioner contends that Sh.Harpreet Singh tendered into evidence his affidavit on 05.01.2024, with a copy to the learned counsel representing the plaintiff. The matter was adjourned to 19.01.2024 but due to non-availability of the counsel representing the plaintiff, the adjournment was sought and granted. The case was adjourned to 24.01.2024 when Sh.Harpreet Singh did not come present for cross examination. On 07.02.2024, the counsel representing the plaintiff was not keeping a good health. He submits that one opportunity may be granted to the plaintiff to cross-examine the witness. He further submits that the defendant has already examined three witnesses and there was no delay on the part of the learned counsel representing the plaintiff to cross-examine them. He submits that failure to cross-

examine DW4-Sh.Harpreet Singh shall have adverse effect on the plaintiff's case.

2. This Court has considered the submissions made by the learned counsel representing the petitioner.

3. In the facts and circumstances of the present case, the trial court is requested to provide one effective opportunity to the petitioner to cross-examine DW4-Harpreet Singh within a period of 15 days, from today. This shall be the last opportunity granted to the petitioner to cross-examine DW4-Harpreet Singh, however, subject to the payment of Rs.5,000/- to the respondents. This order has been passed without issuing notice to the defendants. Hence, they shall have liberty to file an application for recall.

4. Disposed of.

5. All the pending miscellaneous applications, if any, are also disposed of.

19.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE