

2024:PHHC:048744

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

CR-2087-2024 (O&M)
Date of decision: 09.04.2024

Parkash (since deceased) through his LRs
....Petitioner

Versus

Wazir (since deceased) through his LRs
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Mani Ram Verma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the petitioner assails the correctness of the First Appellate Court's order permitting the cross-examination of the left out two witnesses namely Smt.Darshana Devi and Sh.Karan Singh. It has been noticed by the First Appellate Court that the appellant (defendant before the trial court) Sh.Wazir died and his widow Smt.Darshna Devi is sought to be examined in his place. Similarly, Sh.Rajender Singh has died and his son Virender has been examined.
2. Learned counsel representing the petitioner claims that the First Appellate Court, while remanding the case back to the trial court, permitted examination of two witnesses, which did not include Smt.Darshna Devi.
3. This Court has considered the submissions made by the learned counsel representing the petitioner.

4. As already noticed, she is widow of the defendant, who is appellant before the First Appellate Court. She has been permitted to be examined in place of the defendant.
5. Keeping in view the aforesaid facts, no ground to interfere is made out.
6. Hence, dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

09.04.2024
rekha

(ANIL KSHETARPAL)
JUDGE

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