



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

117

CR No.3403-2022

Date of Decision: 21.01.2025

Sushma Yadav

...Petitioner

V/s

Suman Sharma

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prateek Rathee, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 20.05.2022 (Annexure P-24) passed by the Court of learned Civil Judge (Sr. Divn.), Rewari, vide which the right of cross-examination of the petitioner-defendant to cross-examine respondent-plaintiff (Suman Sharma) was curtailed.

2. A suit for specific performance of the agreement to sell dated 15.12.2014 was filed by the respondent-plaintiff (Suman Sharma). Written statement (Annexure P-2) was duly filed by the petitioner-defendant. From the pleadings of the parties, issues were framed as far back as on 14.02.2019, after which the matter remained pending for evidence of the plaintiff. After few witnesses had been examined, PW-Suman Sharma, who was the plaintiff, stepped into the witness box on 17.12.2019 and her examination-in-chief was recorded but her cross-examination was deferred. Thereafter, she appeared a number of times but every time request for deferring the cross-examination was made by the petitioner-plaintiff. Ultimately, vide impugned order dated



20.05.2022, the right of the petitioner-defendant to cross-examine the said witness was closed leading to the filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel representing the petitioner submits that the witness Suman Sharma could not be examined by learned counsel representing the petitioner-defendant and no information as regards the same was given to the petitioner-defendant. He submits that ultimately, the petitioner-defendant had to change her counsel on account of the said fact, as proper information was not given to the petitioner. He submits that one opportunity to cross-examine the said witness be granted to the petitioner in the absence of which, the rights and interests of the petitioner-defendant shall be gravely impaired. It has been brought to the notice of the Court that the matter is still pending and vide order dated 20.05.2024, the petitioner-defendant had been called upon to lead her evidence.

5. I have considered the submissions made by learned counsel for the petitioner.

6. There would be no necessity of issuing notice to the respondent, for in view of the nature of the order that is proposed to be passed, no prejudice would be caused to her.

7. A perusal of the interlocutory orders presents a sad and sorry state of affairs. Issues in the case were framed as far back as on 14.02.2019. For the first four dates, no witness of the plaintiff was present. Thereafter, the witnesses started appearing. The plaintiff-Suman Sharma stepped into the witness box for the first time on 17.12.2019, when her examination-in-chief was recorded but her cross-examination was deferred. Thereafter, she appeared four more times i.e. on 03.02.2020, 12.11.2021, 10.12.2021 and finally on 20.05.2022 when the impugned order was passed. She was,

VIKAS CHANDER
2025.01.22 16.15
I attest to the accuracy and
integrity of this document