

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4759 OF 2008
(Arising out of S.L.P. (C) No.8433 of 2007)

Punit Ahluwalia

...Appellant(s)

Versus

Arjan Singh & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Trial Court rejected the prayer made on behalf of the appellant for cross-examination of P.Ws.1 and 2. The said order has been confirmed by the High Court. Hence, this appeal by special leave.

The appellant was impleaded in the suit as a defendant on the ground that he purchased the suit property during its pendency. Prior to his impleadment, P.Ws.1 and 2 were examined on behalf of the plaintiffs. As the appellant has been already impleaded as party, in our view, the Trial Court, by its order, was not justified in refusing the prayer for cross-examination of P.Ws.1 and 2, who were already examined on behalf of the plaintiffs, and the High Court failed to exercise jurisdiction vested in it under law in refusing to interfere with the same.

The civil appeal is, accordingly, allowed, the impugned orders are set aside and prayer for cross-examination of P.Ws.1 and 2 is granted.

Let hearing of the suit be expedited.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
August 01, 2008.**