

Court No. - 8

Case :- S.C.C. REVISION No. - 15 of 2023

Revisionist :- Zafar Ahmad Khan

Opposite Party :- Rehan Khan

Counsel for Revisionist :- Shesh Verma

Hon'ble Ajay Bhanot,J.

Heard Sri Shesh Verma, learned counsel for the revisionist and Sri Faisal Ahmad Khan, learned counsel assisted by Sri Abdul Mukeem, learned counsel for the respondent.

This revision arises out of an order dated 17.07.2023 passed by the learned Trial Court in S.C.C. Suit No. 104 of 2011 (Rehan Khan Versus Zafar Ahmad Khan).

The impugned order dated 17.07.2023 records that the witness was cross-examined on 06.07.2023 and 07.07.2023. On the next date fixed i.e. 11.07.2023 the counsel for the revisionist failed to appear before the Trial Court. The impugned order further records that the revisionist was given three opportunities on separate dates to cross-examine the witness. The Trial Court has recorded its satisfaction that adequate opportunity was given for cross-examination, and in the interest of justice closed the cross-examination of the witness.

The revisionist is the tenant. Clearly the revisionist has been adopting dilatory tactics by misusing the

opportunity given for cross-examination.

Learned counsel for the revisionist has submitted that on 11.07.2023 because of preoccupation he could not appear before the Trial Court.

The Court proceedings can not be stalled even by the counsels, no matter how busy they are.

In this fact of the case, I find that full and fair opportunity had been given by the learned Trial Court for cross-examination. The learned Trial Court has exercised his jurisdiction consistent with principles of law, fairness, equity and good conscious. It has not exceeded its jurisdiction or in any manner illegally exercised the same. No interference is called for by this Court.

In the result, the revision is ***dismissed.***

Order Date :- 8.8.2023

Arun