

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1215 of 2014

Date of Decision.02.07.2015

Palwinder Singh

.....Petitioner

Versus

Rachhpal Singh and another

.....Respondents

Present: Mr. K.S Rekhi, Advocate
for the petitioner.

Mr. Mohd. Imran, Advocate for
Mr. G.N. Malik, Advocate
for respondent No.1.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? No
2. To be referred to the Reporters or not ? No
3. Whether the judgment should be reported in the Digest? No

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K. KANNAN J. (ORAL)

1. The revision is against the order passed by the trial Court while setting aside the ex parte order passed against the petitioner permitting him to join the proceedings and allow for evidence to be given on his side but denying to him a right of cross-examination of the plaintiff. This has been occasioned on account of the fact that the petitioner remained absent on the date of hearing and the Court has thought fit while setting aside the ex parte order to only permit the petitioner to continue the proceedings.

2. The counsel appearing for the petitioner says that the petitioner will be seriously prejudiced if he cannot have the benefit of cross-examination of the plaintiff. According to him, he is an earlier agreement holder and the plaintiff is a person who was taken a

subsequent agreement from respondent No.1 and his own defence must be specifically put to the plaintiff to effectuate his own defence.

3. It is suit of the year 2007 and there is simply no reason for the plaintiff to complain that there is any undue obstruction or time lost. This is the way trials are conducted in most of the places with no care or alacrity and it is just another illustration of the way we understand our proceedings. Nothing needs be done than imposition of costs in the interest of justice. I would direct ₹ 15,000/- as costs upon the petitioner to the plaintiff and he will have the benefit of recall of all the plaintiff's witnesses and cross-examine. The amount shall be paid within a period of two weeks from the date of receipt of copy of this order. The petitioner will not seek for adjournment on any day when the case is posted and the petitioner will be ready at every time when the case is on board. If the Court records finding that the petitioner was seeking for adjournment or he was not prepared to cross-examine, the opportunity given to him will be withdrawn and the matter will proceed from thereon to the side of the defendant and the petitioner will not have the benefit of recall of any of the plaintiff's witnesses for further cross-examination.

4. The impugned order is set aside and the revision petition is allowed on the above terms.

(K. KANNAN)
JUDGE

July 02, 2015
Pankaj*