

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.249 of 2015 (O&M)
Decided on:-13.1.2015.

Baldev Singh.

.....Petitioner.

Versus

M/s Satya Industries Pvt. Ltd. & others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. Vikas Sagar, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J (Oral)

Dismissal of application of the attorney of the plaintiff, petitioner herein, to appear as a witness on his behalf on 31.5.2014 by the lower court forms genesis of this revision petition.

2. Plaintiff Baldev Singh had appeared as a witness and his examination-in-chief was recorded. Thereafter, he played truant and never came forward for his cross-examination. Now, he has appointed his wife as his attorney, who wants to examine herself as attorney of the plaintiff as a substitute. In fact, Smt. Parminder Kaur had made her examination-in-chief on 22.5.2014 without any permission of the court to substitute the plaintiff whereas, in fact, vide order dated 1.10.2013, evidence of the plaintiff was closed by the lower court except for cross-examination of witnesses of the plaintiff including the plaintiff himself, on whom cross-examination was yet

to be done.

3. As already noticed, plaintiff Baldev Singh (PW4) was to appear for cross-examination on 5.12.2013 but did not appear ever thereafter despite last opportunity having been granted to the plaintiff for cross-examination.

4. Perusal of the paper book reveals that the plaintiff has been taking his case as a luxury litigation. Earlier, the plaintiff had examined his father Bachan Singh as his attorney who unfortunately expired before his statement could be completed by the court. When asked, counsel for the plaintiff, petitioner herein, has not been able to satisfy this Court as to why plaintiff Baldev Singh himself does not want to enter the witness box for his cross-examination.

5. When there is apparently no reason for the petitioner-plaintiff to play truant by not appearing in the witness box for his further cross-examination and as per order dated 1.10.2013, evidence of the plaintiff has already been closed by order of the court except for cross-examination of the witnesses i.e. Baldev Singh (PW4) who had not been cross-examined earlier, the impugned order is not only well-written but also takes into account all the attending facts and circumstances and the lower court had rightly disallowed cross-examination of Smt. Parminder Kaur because she had appeared without permission of the court on 22.5.2014 knowing well about the clear order of 1.10.2013 whereby evidence of the plaintiff had been closed. In any way, she cannot be substituted for the plaintiff when he himself had appeared in the witness box and is now feeling shy off for his cross-examination. The present petition is nothing but misuser of the process of the Court.

6. Keeping in view the totality of facts and circumstances as

mentioned earlier, no ground to interfere with the impugned order dated 31.5.2014 (Annexure P-1) of the lower court is made out. Sequelley, affirming the same, this petition, being devoid of any merit, is dismissed with costs of Rs.5,000/- to be paid to the opposite party.

(Dr. Bharat Bhushan Parsoon)
Judge

January 13, 2015

'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes