

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-26-2015

Date of decision: 6.1.2015

Rahul Kumar and another

..... Petitioners

Versus

Joga Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

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

PRESENT: Mr. Vishal Gupta, Advocate for the petitioners.

R.P. NAGRATH, J. (ORAL)

The petitioners have invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the orders dated 19.11.2014 (Annexure P-1) and 25.11.2014 (Annexure P-3), passed by the trial Court.

2. The respondents filed civil suit in the trial Court in the year 2007 and the issues were framed on 5.10.2012. When the matter was fixed on 19.11.2014, plaintiff/respondent No. 1-Joga Singh (PW-3) was present in Court but his cross-examination was not conducted as learned counsel for the petitioners was stated to be not available for the whole day. Therefore, his cross-examination was treated as NIL. Thereafter,

the trial Court fixed the case for remaining evidence of the plaintiff-respondents for 25.11.2014, when the petitioners moved an application for permission of the trial Court to allow them to cross-examine plaintiff/respondent No. 1-Joga Singh which was declined vide order dated 25.11.2014 (Annexure P-3) primarily on the ground that the trial Court cannot recall its own order and the case was fixed for 8.12.2014 for remaining evidence of the plaintiff-respondents.

3. Learned counsel for the petitioners submits that the next date fixed before the trial Court is 12.1.2015 for evidence of the defendant-petitioners.

4. I have heard learned counsel for the petitioners at considerable length and perused the impugned orders as well as the paper book.

5. Learned counsel for the petitioners contends that the petitioners may be granted one opportunity to cross-examine plaintiff/respondent No. 1-Joga Singh (PW-3). In the facts and circumstances of the matter, I do not think it necessary to issue notice to the respondents as that would only delay the disposal of the suit especially when the plaintiff-respondents can be compensated with adequate costs.

6. In view of the above, the instant petition is allowed by setting aside impugned orders dated 19.11.2014 (Annexure P-1) and 25.11.2014 (Annexure P-3), passed by the trial Court, subject to payment of ₹ 30,000/- as costs which the petitioners shall pay to respondents No. 1 and 2 by way of demand drafts in the sum of ₹ 15,000/- each favouring

respondents No. 1 and 2, namely; Joga Singh and Kulwinder Singh on the date that the trial Court would fix for cross-examination of respondent No. 1. The trial Court would not be obliged to wait even for 5 minutes for counsel for petitioners as and when the case is called for enabling the petitioners or their counsel to cross-examine respondent No. 1. Failing to comply with any of the aforesaid conditions, the instant petition would be deemed to have been dismissed.

January 6, 2015

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**(R.P. NAGRATH)
JUDGE**