

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3035 of 2015

Date of Decision: May 6, 2015

Rajesh Kumar

.....Petitioner

Vs.

Bhushan Kumar and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr.N.L. Sammi, Advocate
for the petitioner.

-. -

M.M.S. BEDI, J.(ORAL)

Vide impugned order, the evidence of the plaintiff- petitioner has been closed by order on the ground that he had availed so many opportunities to conclude his evidence.

With the assistance of learned counsel for the petitioner, I have gone through the photocopy of the statement of plaintiff-petitioner while he appeared as PW3 on February 3, 2012. He was cross-examined on July 27, 2012. His further cross-examination was deferred by order as is apparent from the copy of the statement of cross-examination of petitioner made in the Court of Civil Judge (Junior Division), Rajpura.

Counsel for the petitioner states at bar that though the petitioner had been appearing in the Court but his further cross-examination was not conducted.

The short prayer made in the revision petition is that the petitioner- plaintiff may be permitted to appear in the Court for completion of his cross-examination in the interest of justice. It has been undertaken that petitioner will put in appearance on one specific date given by the trial Court.

I have considered the facts and circumstances of the case. It has been informed that at present his suit is fixed for May 7, 2015 for the evidence of defendant- respondents and that till date no defendants' witness has been examined.

In view of the above circumstances, this Court is of the opinion that irrespective of the causal and evasive approach of the plaintiff-petitioner, he may be granted one opportunity to get his cross-examination completed by appearing in the Court subject to payment of cost. Instead of burdening the respondents with harassment of engaging a counsel and contesting the plea of the petitioner, I deem it appropriate to dispose of this petition is limine without prejudice to the rights of the defendant-respondents to approach this Court for review, in case so advised.

This petition is disposed of in limine with a direction that the order dated February 12, 2015, so far as production of any other evidence by the plaintiff- petitioner is concerned, is upheld except that petitioner will be

given an opportunity to appear before the trial Court on May 7, 2015 alongwith cost of Rs.10000/-. The trial Court shall fix a date to enable counsel for the defendant- respondents to complete further cross-examination as it was deferred on July 27, 2012. The cross-examination will be concluded on the date fixed by the trial Court. The impugned order is thus partly set aside as mentioned hereinabove. It is, however, made clear that in case of non-compliance of any of the directions in this order of tendering of cost and appearance on the date fixed by the trial Court, this petition will be deemed to have been dismissed.

Copy of the order be given dasti to counsel for the petitioner under the signatures of the Court Secretary.

May 6, 2015
sanjay

(M.M.S.BEDI)
JUDGE