

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-452-2015

Date of decision: 21.1.2015

Veena Devi

..... Petitioner

Versus

Ravi Kumar 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. RK Arya, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the order dated 6.1.2015 (Annexure P-3), passed by the learned Civil Judge (Junior Division), Gurdaspur, whereby the cross-examination of PW-1 Ravi Kumar was treated as NIL due to non-availability of counsel for petitioner-defendant No. 1.

Learned trial Court in the impugned order dated 6.1.2015 (Annexure P-3) has observed that defendant or his counsel did not turn up in the Court in order to conduct cross-examination of the witness despite calling the case for several times.

I have heard learned counsel for the petitioner at

considerable length and perused the impugned order as well as the paper book.

Looking into the facts and circumstances of the case and that now the case is fixed for 23.1.2015, for remaining evidence of the plaintiff-respondents, I find that service of notice upon the opposite party would only delay the disposal of case especially, when it is undertaken that plaintiff-respondents would not give any cause of complaint in completing cross-examination of plaintiff/respondent No. 1-Ravi Kumar and for that matter any other witness to be examined.

In view of the above, the instant petition is allowed and the impugned order dated 6.1.2015 (Annexure P-3) passed by the trial Court is set aside, subject to payment of ₹ 10,000/- as costs to be paid to plaintiff/respondent No. 1-Ravi Kumar by way of demand draft in his name to be handed over to counsel for the plaintiff-respondents on 23.1.2015 itself. The learned trial Court would then fix the case for cross-examination of PW-1 Ravi Kumar but that would not be otherwise a ground to adjourn the case for recording of rest of the witnesses for which the case is already fixed for 23.1.2015.

Failing to comply with any of the aforesaid conditions, the instant petition would be deemed to have been dismissed.

January 21, 2015
rishu

(R.P. NAGRATH)
JUDGE