

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.684 of 2015
Date of decision:09.02.2015

Anup Kumar

....Petitioner

Versus

Jeet Ram & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Yowan Sharma, Advocate, for the petitioner.

Mr.D.S.Nigha, Advocate, for the respondents.

G.S.Sandhawalia J.(Oral)

The petitioner-plaintiffs are aggrieved against the order dated 12.11.2014 (Annexure P6), passed by the Addl.Civil Judge (Sr.Divn.) Kalka, whereby the application for leading additional evidence was dismissed and the case was fixed for the defendants' evidence.

Counsel for the petitioner submits that the cross-examination of Acchru Ram could not be completed and he had been examined in-chief on 30.04.2014. It is submitted that counsel for the respondents had not cross-examined him on 30.04.2014 and on the subsequent dates, the witness was not present. It is stated that he is a material witness, being the real brother of Gurdev Singh, who was the vendor of the property which was sold to the plaintiff since Gurdev Singh had died in the year 2006 and the property was also joint. It is submitted that the other side can be suitably compensated by payment of costs, for the inconvenience caused.

Keeping in view the above facts in mind and the principle that rules of procedures are handmaids of justice, the present revision petition is allowed and the order dated 12.11.2014 (Annexure P6) is set aside, subject to payment of ₹3500/- as costs, to be paid to the opposite side. The said witness, Acchru Ram shall be cross-examined on 11.02.2015, which is stated to be the next date of hearing before the Trial Court.

09.02.2015

(G.S.SANDHAWALIA)
JUDGE