

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8062 of 2015 (O/M)
Date of decision : 1.12.2015

Jaswant Singh and others

..... Revisionists

Versus

Ranjit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jaswinder Singh, Advocate, for the revisionists.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 2.11.2015 (Annexure-P-8), passed by the learned Civil Judge (Junior Division), Samrala, vide which the applicant of the present revisionists i.e. plaintiffs for recalling defendants No. 1 and 2 for cross examination, was dismissed.

I have heard the learned counsel for the revisionists and have also carefully gone through the file.

It comes out that in the suit, affidavits of Ranjit Singh-DW1 and Tarlok Singh-DW2 (defendants), were tendered in

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examination-in-chief on 6.10.2012 and 19.12.2012 respectively. Thereafter, opportunities were given for cross examination and ultimately on 15.1.2013, their cross examination was treated as Nil. Thereafter, the case continued. It also comes out from the interim orders produced with the revision that the case was adjourned five times for rebuttal and arguments and on the sixth date, the present application was filed. The present application was filed after 2½ years of the passing of the said order dated 15.1.2013 for recalling the said witnesses for cross examination.

It is contended on behalf of the revisionists that after passing of the impugned order on 15.1.2013, the case was continued for bringing on record the LRs of Raghubir Singh (defendant No. 2). It is further stated that the senior counsel for the party died in September, 2015. Therefore, the necessary steps could not be taken in time. It is stated that this negligence is on the part of the counsel and the party should not suffer for the same.

The perusal of the file shows that the order granting Nil opportunity was passed on 15.1.2013 in the presence of the counsel for the parties. The said order was never challenged and the application was filed for recalling them only after 2 ½ years. Their counsel died much later in September, 2015. The learned counsel contends that in the interim order, it is mentioned that the witnesses have been cross examined, whereas their cross examination was

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treated as Nil. However, the factum that the cross examination was treated to be Nil is not disputed. The case is already fixed for arguments and the party availed six opportunities to address the arguments. As such, I do not find any ground to interfere in the impugned order. The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

1.12.2015
sjks