

Civil Revision No.1003 of 2016(O&M)
Date of Decision: 10.02.2016

Vijay Kumar Chopra

---Petitioner

versus

Rattan Chand and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.C.Chaudhary, Advocate
for the petitioner**

1. Whether Reporters of local papers 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?

Rekha Mittal, J.

The present petition has been directed against order dated 28.1.2016 passed by the Civil Judge (Junior Division), Jalandhar whereby the application filed by the petitioner for recalling order dated 15.1.2016, has been dismissed.

Counsel for the petitioner contends that though sufficient time was allowed to the petitioner to cross examine Rajesh Verma DW1 but the petitioner may not be left in lurch due to failure of his counsel to appear in the court on 15.1.2016 for remaining cross examination of Rajesh Verma DW1, the material witness examined in defence. It is further submitted that the petitioner may be allowed only one effective opportunity and he would ensure that cross examination of the witness is completed on that date.

I have heard counsel for the petitioner and perused the records.

The trial court has rightly dismissed the application for recalling of order dated 15.1.2016 in view of the fact and circumstances of the case. However, keeping in view the fact that a serious prejudice is likely to be caused to the petitioner in case, he is not permitted to complete cross examination of Rajesh Verma DW1 and in the light of submissions made by counsel for the petitioner, the petitioner is provided with one opportunity to conduct remaining cross examination of Rajesh Verma DW1 subject to payment of costs of Rs. 10,000/- to Rajesh Verma DW1. The learned trial court shall ensure presence of the witness on the date fixed and the petitioner would ensure that cross examination of the witness is concluded on that date and costs would be paid to the witness before starting his further cross examination.

Before parting with this order, it is pertinent to mention that the petition has been disposed of without notice to the respondents with an intent to avoid delay in conclusion of proceedings and inconvenience and expenses likely to be incurred by the respondents. However, the respondents would be at liberty to file an appropriate application in case, they have any grievance to express.

Disposed of.

(Rekha Mittal)
Judge

10.02.2016
PARAMJIT