

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.8427 of 2016
Date of decision:14.12.2016**

Rajinder Singh

... Petitioner

Vs.

Kamaljit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. L.S.Sidhu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned order dated 27.01.2016, whereby, cross-examination of PW1- Manjit Kaur and PW2 – Jagdish Kumar, has been ordered to be treated as NIL and order dated 5.5.2016, whereby, the application for rectification of order dated 27.1.2016 has been dismissed.

Mr. L.S.Sidhu, learned counsel appearing on behalf of the petitioner submits that in case, one opportunity is granted, subject to any terms and conditions which this Court deem fit, the petitioner will cross-examine PW1 and PW2. He further submits that no prejudice would be caused to the respondents, who shall be compensated in terms of costs.

I have heard learned counsel for the petitioner and appraised the paper book.

No doubt, the petitioner had taken many adjournments to lead evidence and failed to do so, but I am of the view that the lis between the parties is required to be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner before the Court below to cross-examine PW1 and PW2, subject to payment of costs of ₹2500/- to be paid to the contesting respondents, which shall be a condition precedent .

Accordingly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

December 14, 2016
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No