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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CR No.1405 of 2017

Date of Decision : 04.10.2017

MADAN LAL

....PETITIONER

VERSUS

OM PARKASH

....RESPONDENT

(2)

CR No.1425 of 2017

MADAN LAL

....PETITIONER

VERSUS

OM PARKASH

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Johan Kumar, Advocate for the petitioner.
None for the respondent.

RAMESHWAR SINGH MALIK, JUDGE (ORAL)

Both these revision petitions are being decided together vide this common order, with the consent of learned counsel for the petitioner because both these revision petitions are directed against identical orders. However, for the facility of reference, facts are being culled out from civil revision No.1405 of 2017.

Feeling aggrieved against the order dated 07.02.2017 (Annexure P-1), passed by the learned trial Court, whereby right of the defendant to cross-examine the plaintiff was struck off, to the effect that no opportunity shall be granted to the defendant to cross-examine the plaintiff as his own witness, defendant has approached this Court, by way

of these two identical revision petitions, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

As per office report dated 16.03.2017, service was complete. Thereafter as many as three more opportunities have been granted to the respondent to come and oppose the present revision petition. However, neither anybody has come present on behalf of the respondent nor any request for pass over has been made.

Heard learned counsel for the petitioner in both the revision petitions.

Learned counsel for the petitioner, at the very outset, fairly states that petitioner is ready to compensate the plaintiff-respondent by payment of Rs.20,000/- in each case, as recorded in the notice of motion order dated 28.02.2017 passed by this Court. He further submits that although the petitioner ought to have been more careful and vigilant to cross-examine the plaintiff, yet in the totality of the facts and circumstances of the case, petitioner deserves to be granted one more opportunity, subject to payment of cost of Rs.20,000/- in each case.

Having heard learned counsel for the petitioner, the abovesaid statement made by him has been found to be well justified and the same deserves to be accepted. It is so said because in case one more opportunity is not granted to the petitioner to cross-examine the plaintiff, a serious prejudice is likely to be caused to him. Further, petitioner has already shown his *bona fide* to compensate the plaintiff-respondent by payment of Rs.20,000/- in each case.

In view of the above, impugned order dated 07.02.2017, passed by the learned trial Court in both the cases are hereby set aside. Learned trial Court is directed to grant one more opportunity to the petitioner to cross-examine the plaintiff-Om Parkash, subject to payment of Rs.20,000/- in each case by the petitioner to the plaintiff-respondent-Om Parkash on or before the next date of hearing before the learned trial Court. Thereafter, the learned trial Court shall proceed further to decide the case, in accordance with law.

With the abovesaid observations made and directions issued, both these revision petitions stand allowed in the abovesaid terms.

(RAMESHWAR SINGH MALIK)
JUDGE

October 04, 2017

rajneesh

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No