

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 115

Civil Revision No.3202 of 2017 (O & M)
Date of Decision: May 05, 2017

Jasbir Singh

..... PETITIONER

VERSUS

Manjit Singh & others

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Ms. Sukhpreet Kaur, Advocate, for the petitioner.

. . .

Jaspal Singh, J (Oral)

1. By virtue of this revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of order dated August 16, 2016 passed by the Civil Judge (Junior Division), Jalandhar whereby defence of the petitioner – defendant(s) has been struck off as well as order dated January 31, 2017 passed by the Additional Civil Judge (Senior Division), Phillaur whereby application for reviewing order dated August 16, 2016 has been dismissed.

2. The only contention put-forth by learned counsel for the petitioner is that on August 16, 2016, the day evidence of petitioner – defendant(s) was struck off by the trial court, case was not listed as per case diary of learned counsel appearing before the trial court as he noted down

some other date. It was only because of this reason that neither party nor counsel could appear on August 16, 2016.

3. Learned counsel further submits that only one effective opportunity be afforded to the petitioner – defendant(s) for cross examination of PW Mangal Singh. Otherwise also, even the case is still listed for remaining evidence of the respondents – plaintiff and he is not going to suffer any loss.

4. Accordingly, Impugned orders dated August 16, 2016 as well as dated January 31, 2017 are set aside with further direction to the trial court to an afford an effective opportunity to cross-examine PW Mangal Singh, who shall be produced by the respondent – plaintiff at his own responsibility, and then to proceed for disposal of the suit in accordance with law.

5. Disposed of accordingly.

6. Since this order has been passed in the absence of respondent – plaintiff, if he feels so aggrieved of this order, shall be at liberty to approach this Court.

May 05, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No