

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3916 of 2017

Date of Order:17.07.2017

Harish Gaur

..Petitioner

Versus

Ajmer Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Virender Mandhan, Advocate,
for the petitioner.

ANIL KSHETARPAL, J.

Defendant-petitioner has filed the present revision petition, challenging order dated 18.05.2017, ordering that cross-examination of Ajmer Singh shall not be read in evidence, as the cost imposed for adjournment has not been paid.

Counsel for the defendant has already cross-examined Ajmer Singh. Of course, non-payment of cost is not to be taken lightly. However, it is well settled that efforts should be made to decide the case on merits. If cross-examination of a witness is treated as NIL, then the statement of a witness would go unrebutted and unchallenged.

Counsel for the petitioner has stated that the cost could not be tendered on the date fixed due to the fact that the defendant was not well.

Taking into consideration the facts and circumstances of the case and in the interest of justice, the order dated 18.05.2017, passed by the Additional Civil Judge (Senior Division), Panipat, with respect to non reading of cross-examination of the witness is set aside.

Petitioner would deposit the costs as awarded by the trial Court

positively on the next date of hearing.

Petition stands disposed of accordingly.

However, since the order is being passed without issuing notice to the respondent, therefore, respondent is granted liberty to move an application for recalling of the order, if he feels aggrieved thereof.

July 17, 2017
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(ANIL KSHETARPAL)
JUDGE

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