

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

Sr. No.119

Civil Revision No.4007 of 2017
DECIDED ON: June 01, 2017

MANINDER SINGH

..PETITIONER

VERSUS

KAWALJIT SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought the setting aside of order dated March 08, 2017 (Annexure P-2) whereby the evidence of the petitioner/plaintiff has been closed by the orders of the court as well as order dated April 17, 2017 (Annexure P-5), whereby an application for reviewing/recalling of order dated March 08, 2017 has been dismissed.

2. A glance at the various interim orders which have been reflected in the revision petition as well as the impugned orders transpires that PW3-Amarjit Singh and PW4-Rohit Gupta, draftsman had appeared in the court on February 14, 2017. They tendered their examination-in-chief

by way of their respective affidavits. However, at the request of learned counsel for the respondents/defendants, their cross-examination was deferred and the case was adjourned to March 08, 2017 for the purposes of their cross-examination.

3. The contention of the learned counsel for the petitioner/plaintiff is that on March 08, 2017 both the PWs were present but due to some communication gap, their presence could not be marked in the court. As a result of which, the trial court opted to close the evidence by orders. Though, an application for reviewing/recalling of order dated March 08, 2017 was moved but that was also dismissed without any assigning or cogent reason. Since, the examination-in-chief of both the PWs is already on record, this court is of the considered view that an opportunity should be afforded to the petitioner/plaintiff to produce them in the court for the purposes of their cross-examination by the respondents/defendants. Both the witnesses are material and would be helpful to the court to decide the matter in controversy more effectively and judiciously. Otherwise also, still the suit is listed for the evidence of the respondents/defendants. The respondents/defendants are also not going to be prejudiced in any manner, in case, instant petition is allowed.

4. In the light of what has been discussed above but without expressing any opinion on the merits with regard to legality of the impugned orders dated March 08, 2017 (Annexure P-2) and April 17, 2017 (Annexure P-5), the same are set aside and the trial court is directed to afford one effective opportunity to the petitioner/plaintiff to produce PW3-Amarjit

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Singh and PW-4 Rohit Gupta, draftsman in the court for the purposes of their cross-examination by the respondents-defendants.

5. Since this order has been passed in the absence of the respondents-defendants, if they feel so aggrieved of this order, they shall have the liberty to approach this court.

June 01, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No