

CR No. 5619 of 2015 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 5619 of 2015 (O&M)

Date of decision: 17.3.2017

Bhag Singh

...Petitioner

Versus

Ram Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Naveen Batra, Advocate
for the petitioner.

None for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of defendant, is directed against the impugned order dated 17.8.2015 passed by the learned trial court, whereby application of the plaintiff for conducting his cross-examination was allowed.

Notice of motion was issued.

Sh. Kuldeep Singh Saini, Advocate, appeared on behalf of the respondents on 18.1.2016 and 17.8.2016, however, none came present on behalf of the respondents on the last date of hearing, i.e. 18.1.2017. Similar is the position today. Neither anybody has come present on behalf of the respondents, nor any request for pass over has been made.

Heard learned counsel for the petitioner.

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A bare perusal of the impugned order would show that the learned trial court was well within its jurisdiction to pass the impugned order, permitting the plaintiff to cross-examine himself, because he had already tendered his affidavit EX.PW1/A by way of examination-in-chief. Defendant was also duly compensated by the plaintiff, by payment of reasonable costs. Plaintiff was granted only one opportunity for his cross-examination and one opportunity was also granted to the defendant-petitioner to rebut the same. Having said that, this Court feels no hesitation to conclude that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

In fact, learned trial court itself found it necessary to cross-examine the plaintiff for just decision of the case. Learned trial court was conscious of the stage of litigation. Once the learned trial court itself felt cross-examination of the plaintiff to be necessary for an effective decision of the case on merits, no fault can be found with the impugned order and the same deserves to be upheld.

It is the settled proposition of law that rules of procedures are meant for advancing the cause of justice. Every party to the litigation must be granted due opportunity to put up its best case before the court. Only that is what has been done by the learned trial court by passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In this view of the matter, it can be safely concluded that learned court below

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committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

17.3.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No