

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 6283 of 2017

Date of Decision: September 15, 2017

Bharat Engineering

..Petitioner

Versus

Naresh Sharma

..Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Manoj Pundir, Advocate
for the petitioner.

REKHA MITTAL, J.(oral)

The present petition directs challenge against order dated 09.08.2017 (Annexure P-5) whereby evidence of the petitioner/plaintiff has been closed by order of the Court.

Counsel for the petitioner has submitted that Dev Raj and Rajeev Kumar, witnesses of the petitioner were examined in chief on 10.07.2017 but their cross-examination was deferred at the request of counsel opposite. The witnesses were again present before the Court on 18.07.2017 & 31.07.2017 but were not cross-examined as their counsel was not available on that day. It is submitted that a serious prejudice would be caused to the petitioner/plaintiff in case Dev Raj and Rajeev Kumar are not allowed to tender themselves in the witness box for their cross-

examination by the opposite party. It is prayed that in the interest of substantial justice, one opportunity may be allowed to the petitioner for cross-examination of Dev Raj and Rajeev Kumar, subject to payment of reasonable costs.

I have heard counsel for the petitioner, perused the paper book particularly the various zimni orders reproduced in the grounds of revision.

A casual reading of the various zimni orders available in the grounds of revision would substantiate contention of the petitioner that Dev Raj and Rajeev Kumar appeared before the Court on several occasions for their cross-examination but unfortunately their cross-examination could not be completed for one reason or the other. Rules of procedure are handmaid to the administration of justice. There is no serious lapse on the part of Dev Raj and Rajeev Kumar to appear for cross-examination.

Under the circumstances, it is expedient in the interest of justice that the petitioner is provided with one opportunity to produce Dev Raj and Rajeev Kumar for their cross-examination by counsel opposite subject, however, to the following conditions:-

1. Dev Raj and Rajeev Kumar shall appear before the Court below on 18.09.2017 i.e. the date fixed for evidence of the respondent/defendant.
2. The petitioner shall prepare a demand draft of Rs. 5,000/- in the name of respondent, which shall be handed over to the respondent on 18.09.2017 before starting cross-examination of Dev Raj and Rajeev Kumar.

Failure of the petitioner to comply with the aforesaid conditions would entail dismissal of the petition.

Before parting with this order, it is clarified that the petition has been disposed of without notice to the respondent in order to save him from unnecessary expense and inconvenience. However, the respondent would be at liberty to file an appropriate application in case he has any grievance to express.

The present petition stands disposed of accordingly.

(REKHA MITTAL)
JUDGE

September 15, 2017
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No