

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CR-6355 of 2017

Date of Decision:18.09.2017

Rajender Kumar Bansal

.....Petitioner

Versus

**State of Haryana through
Collector, Rohtak**

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.Sudhir Hooda, Advocate,
for the petitioner.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 04.08.2017 (Annexure P-5) passed by the learned trial court, whereby one DW was permitted to be cross-examined, plaintiff has approached this Court by way of present civil revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that no prejudice of any kind, whatsoever, has been caused to the plaintiff-petitioner. Further, 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. The impugned order has been found based on sound reasons. Having said that, this Court

feels no hesitation to conclude that the learned trial court was well within its

jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. DW-Gulab Singh was admittedly working as a Tehsildar. He could not appear on the previous date of hearing i.e. 06.04.2017 for his cross-examination because he was busy in his official duty. In such a situation, no malafide can be attached to the defendants for non-examination of DW-Gulab Singh on the previous date of hearing. Under the totality of facts and circumstances of the case, no fault can be found with the impugned order passed by the learned trial court 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 the 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 above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

September 18, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No