

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.699 of 2017

Date of decision: 16.03.2017

Bachhan Singh

... Petitioner

Vs.

Yashpal Singh Saini

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sandeep Parkash Chahar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, at the hands of defendant, is directed against the order dated 22.09.2016 passed by the learned trial Court, whereby application of the plaintiff to cross-examine the deferred witnesses and also for examining the other witnesses, whose process fee and diet money etc. had already been deposited by the plaintiff, was allowed.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned trial Court would show that the application moved by the plaintiff was very rightly allowed. It is so said because once cross-examination of some witnesses was deferred, plaintiff was entitled to cross-examine those deferred witnesses. Similarly, examination of those witnesses, whose diet money and process fee etc. had been deposited by the plaintiff, were rightly directed to be examined by the learned trial Court, while passing the impugned order. Further, no prejudice of

any kind, whatsoever, is likely to be caused to the petitioner-defendant, by passing the impugned order and the same deserves to be upheld.

The learned trial Court was conscious of stage of the suit. This was the reason that petitioner-defendant was suitably compensated by payment of reasonable costs. It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Both the parties to the litigation are entitled for reasonable opportunity to put up their best case before the Court. In the present case, the learned trial Court itself found examination and cross-examination of remaining witnesses to be necessary, as it will facilitate the learned trial Court to arrive at a judicious conclusion. 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, 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 wholly 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, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

16.03.2017
vishnu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No