

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

**CR No.8421 of 2016
Date of decision:3.8.2017**

Sher Singh

...Petitioner

Versus

Jit Singh alias Ajit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.S.S.Narula, Advocate for the petitioner.
Mr.Liaqat Ali, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant revision petition, under Article 227 of the Constitution of India, at the hands of defendant, is directed against the order dated 22.8.2016 passed by the learned trial court, whereby opportunity for cross-examination of plaintiff Jit Singh was recorded as nil.

Notice of motion was issued and the leaned trial court was directed to adjourn the matter beyond the date fixed before this Court.

Heard learned counsel for the parties.

Learned counsel for the petitioner has been found justified in contending that although the petitioner was negligent while not cross-examining the plaintiff Jit Singh in time, yet in the totality of facts and circumstances of the case, defendant-petitioner deserves one more opportunity to cross-examine the plaintiff. He also fairly states that petitioner is ready and willing to compensate the other side by payment of reasonable amount of costs.

The above-said fair statement made by the learned counsel for the petitioner could not be controverted by the learned counsel for the respondent and rightly so, because there was hardly any scope to controvert the statement.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case and also in the interest of justice, petitioner deserves to be granted one more opportunity to cross-examine the plaintiff. It is so said because the respondent-plaintiff is not going to suffer any kind of prejudice by granting one more opportunity to the petitioner.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunities to both the parties to put up their best case before the court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted by the court. By following this principle of law, learned court would achieve twin objects i.e. (i) it would avoid multiplicity of litigation between the parties and (ii) the court would be in a better position to do complete and substantial justice between the parties. However, learned trial court could not follow the abovesaid principle of law, while passing the impugned order.

In view of the above, the interim order dated 22.8.2016 is set aside. Defendant-petitioner is granted one more opportunity to cross-examine the plaintiff Jit Singh, however, subject to payment of Rs.5,000/-

as costs to be paid by the petitioner to the plaintiff Jit Singh on or before the next date of hearing before the learned trial court.

Since the learned trial court was directed to adjourn the case beyond the date fixed before this Court, parties are directed to appear before the learned trial court on the next date of hearing. The learned trial court shall grant one opportunity to the petitioner-defendant to cross-examine the plaintiff, subject to payment of Rs.5,000/- as costs by the petitioner to the respondent. Thereafter, the learned trial court shall proceed further with the matter and decide the suit, in accordance with law.

With the observations made above and directions issued, the present revision petition stands disposed of, in the above-said terms.

3.8.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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