

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 92 of 2019

Date of Decision: 25.02.2019

Jaspal Kaur and others

.....Petitioners

Vs.

Nachhattar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kehar Singh Hissowal, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to notice of motion having been issued on the last date of hearing, Mr. Gurbachan Singh Gorla, Advocate, appears on behalf of the respondents and has filed a power of attorney in Court today, which is taken on record.

By this petition, the petitioners challenge the order of the learned trial Court [Additional Civil Judge (Senior Division), Rupnagar], dated 01.10.2018, by which the cross-examination of the plaintiffs' witnesses by counsel for the defendants (petitioners in this petition), has been ordered to be treated as "NIL", with that Court recording that after the case filed had been sent at about 10:30 a.m. (erroneously recorded as 10:30 p.m. in the impugned order), to the Local Commissioner for recording the cross-examination, it had been received back in the late court hours with a written report from the Local Commissioner that all three witnesses for the plaintiffs (respondents herein) had been present to get their cross-examination conducted, but counsel for the defendants had not turned up.

It was also stated by that Court that the file had again been called at even 04:25 p.m., with counsel still not having turned up.

Yet further, it has been recorded that even on the previous date of hearing, i.e. prior to 01.10.2018, counsel for the petitioners-defendants had not turned up.

Learned counsel for the respondents before this Court has produced in Court today a computer print out of the number of dates on which the suit remained pending after notice had been issued, starting from 08.02.2016 till 27.02.2019, six dates having been granted by the trial Court simply for filing of the written statement and thereafter for “consideration and arguments.”

A perusal of the aforesaid printout of the various dates shows that even for 27.02.2019, i.e. the day after tomorrow, the case is being shown to be pending for plaintiffs' evidence.

That being so, this petition is allowed subject to the petitioners paying Rs. 7,000/- as costs to the respondents-plaintiffs, with their counsel to positively conclude cross-examination within three opportunities to be granted by the trial, over a period of one month only, from today.

February 25, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes