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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Civil Revision No.7729 of 2018  
Date of Decision: 23.01.2019**

**HARWINDER SINGH**

**.....Petitioner**

**Vs**

**SUBHASH KUMAR BANSAL & ORS**

**....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. G.S. Toor, Advocate  
for the petitioner.

Mr. Karan Garg, Advocate  
for respondent No.1.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. This revision petition has been preferred against the order dated 20.09.2018 passed by the Civil Judge (Jr. Divn.) Rajpura vide which evidence of the plaintiff was closed by order of the Court.

[2]. At the very outset, learned counsel for the petitioner contended that the petitioner i.e. PW-2 could not appear for his cross-examination due to pending anticipatory bail application, wherein no interim protection was granted at the relevant time. In view of aforesaid, the evidence of the plaintiff was closed by

order of the Court on 20.09.2018.

[3]. Evidence of the plaintiff started w.e.f. 12.05.2018 and in due course the case was adjourned to 29.05.2018 and 12.07.2018 for entire evidence of the plaintiff subject to last and final opportunity. Thereafter the case was adjourned for 03.08.2018, when PW-1 Rajesh Kumar and PW-2 Harwinder Singh were present and tendered their affidavits in their examination-in-chief, but the cross-examination was deferred at the instance of learned counsel for the defendants.

[4]. Similar was the position on 17.08.2018, when the petitioner was present, but could not be cross-examined and his cross-examination was deferred on the request of learned counsel for the defendants. On 30.08.2018, the cross-examination of the petitioner was partly conducted and for rest of the cross-examination, the case was adjourned to 13.09.2018 i.e. the date on which the Presiding Officer was on leave and the case was further adjourned to 20.09.2018. On the adjourned date i.e. 20.09.2018, the impugned order came to be passed.

[5]. Narration of aforesaid facts would show that the petitioner can be accommodated by granting indulgence for one date on which he will conclude his entire evidence and would make himself available for cross-examination without any fail.

[6]. Learned counsel for respondent No.1 has no serious

objection to the aforesaid, however pressed for payment of adequate costs.

[7]. For the reasons recorded hereinabove, this Court considers the present case for grant of one opportunity for concluding remaining cross-examination of the petitioner/PW-2 on the date already fixed before the trial Court. Consequently, this revision is allowed. Impugned order dated 20.09.2018 passed by the Civil Judge (Jr. Divn.) Rajpura is set aside, however subject to payment of costs of Rs.10,000/- to be paid to the respondent No.1.

[8]. The payment of costs shall be the condition precedent for granting indulgence in the aforesaid context by the trial Court.

January 23, 2019

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No