

(126) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2695 of 2019
Date of decision : 22.07.2019

Charanjit Kaur and others Petitioners

Versus

Harpreet Singh and others Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. R.S. Randhawa, Advocate for the petitioners.
Mr. Nitin Thatai, Advocate for respondent No.2 (e).

B.S. Walia, J. (Oral).

[1] Challenge in the revision petition under Article 227 of the Constitution of India is to order, Annexure P-1 dated 26.03.2019 closing oral evidence of the petitioners/plaintiffs as also order, Annexure P-2 & P-3 dated 26.03.2019 dismissing the application's Annexure P-8 & P-9 filed by the petitioners for examining plaintiffs witness Satinderpal Singh by way of video conferencing as also for grant of adequate time to tender affidavits by way of evidence of witnesses Harjinderjit Singh Kahlon who was out of the country as well as Satinderpal Singh who was residing in the United Kingdom.

[2] A perusal of the impugned orders reveals that issues were framed in the case on 14.12.2018. Parties were granted numerous opportunities to conclude evidence and vide order dated 12.03.2019, last opportunity to tender evidence of all their witnesses failing which it was observed that their evidence would be closed by order. In the light of the position noted above, order Annexures P-1 to P-3 were passed on 26.03.2019 on the ground that sufficient opportunities had already been granted to the plaintiffs to conclude their evidence besides the High Court had vide order dated 15.10.2018 in CR No.4703 of 2018 directed the civil

suit to be decided by 14.10.2019. Accordingly it was held that no ground was made out to allow more time to lead oral evidence, or to tender affidavits of witnesses Harjinder Singh Kahlon on the ground that he was out of country and of Satinderpal Singh who was claimed to be resident of United Kingdom. Likewise, application seeking permission to examine witness Satinderpal Singh by way of video conferencing was also dismissed.

[3] No doubt numerous opportunities were granted to the petitioners/plaintiffs but the impugned orders appear to have been passed apparently by interpreting orders of the High Court dated 15.10.2018 in CR No. 4703/2018 that the civil suit was to be decided by 14.10.2019. No doubt, directions of the High Court are required to be adhered to. However, the High Court had directed expeditious decision of the civil suit, preferably within a period of one year whereas the learned trial court interpreted the orders to mean that the civil suit was to be decided by 14.10.2019. The petitioners/plaintiffs had moved application, Annexure P-8 praying for Video Conferencing for examining a witness who was resident of another country as also application Annexure P-9 for time for filing evidence by way of affidavit of witnesses on the ground that one of the witnesses was out of the country while the other was a resident of another country. In the circumstances, the application's ought to have been considered independently on merits and not on the interpretation of order of the High Court dated 15.10.2018 that the civil had to be decided by 14.10.2019.

[4] At this stage, learned counsel for the respondents states that the case is fixed before the learned trial Court for 31.07.2019 for recording of evidence of PW-2 and that he has no objection if one opportunity is granted to the petitioners to do the needful subject to payment of costs as also the condition that the petitioners/plaintiffs tender evidence by way of affidavit

of Harinderjit Singh Kahlon by 31.07.2019 and of Satinder Pal Singh within three weeks from today for their cross-examination with the video conferencing of Satinderpal Singh to be conducted on a date to be fixed by the learned trial Court.

[6] In the light of the position as noted above, impugned orders, Annexures P-1 to P-3 are set aside. PW Harinderjit Singh Kahlon who is stated to be back in India would tender evidence by way of affidavit on or before 31.07.2019. Respondents/defendants would conclude cross-examination of PW-1 and PW-2 on 31.07.2019 and would also cross-examine Harinderjit Singh Kahlon in case he tenders evidence by way of affidavit by 31.07.2019 on the date to be granted by the learned trial Court after 31.07.2019. Likewise, evidence by way of affidavit of Satinder Pal Singh would be tendered in Court by 13.08.2019. In case affidavit of Satinder Pal Singh is tendered on or before 13.08.2019, cross-examination of Satinder Pal Singh would be conducted through Video Conferencing on a date to be fixed by the learned trial Court.

[6] In the light of the position as noted above, Revision Petition is allowed in the manner indicated above subject to payment of costs of ₹ 15,000/-. It is clarified that while endeavour be made to decide the civil suit expeditiously, preferably within one year of 15.10.2018, but the date 14.10.2019 is not sacrosanct in terms of order dated 15.10.2018 and if the circumstances of the case so require, some more time can be taken by the trial court to decide the civil suit while keeping the spirit of order dated 15.10.2018 in mind.

22.07.2019
amit

(B.S. Walia)
Judge