

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 3108 of 2019 (O&M)

Date of decision : 20.11.2019

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Jarnail Singh

..... Petitioner

vs.

Iqbal Singh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Varun Mittal, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

By way of filing the present revision petition, the revisionist who is plaintiff in the civil suit, prays that he be granted an opportunity to produce his remaining evidence, which was wrongly denied to him by the trial Court, in as much as, since he was not cross examined by counsel for the defendant, when he had got his statement recorded as PW-1. The cross examination was treated as Nil and his evidence was closed by Court order.

Notice of the revision petition was given to the respondent - defendant, but he did not put in appearance despite service.

I have heard learned counsel for the revisionist, besides going through the record.

The impugned order makes very strange reading. Presence of counsel for the defendant is marked but in the order it is mentioned that PW-1 has not been cross examined by defendant-counsel and further wait was not justified. It is not clear as to whether counsel for the defendant was not present in the Court or he was not willing to cross examine the witness despite being directed to do so. In the impugned order, it has nowhere been clarified that plaintiff has availed of several opportunities to conclude his evidence but has failed to do so till that date, consequently, the evidence was being closed by order. This order is not sustainable. The same is accordingly, set aside by way of acceptance of the present revision petition with a direction to the trial Court to afford reasonable opportunities to the plaintiff to conclude his evidence and then to proceed further in the case. The trial Court shall fix date(s) for evidence of the plaintiff and give him reasonable time to do so.

Allowed.

20.11.2019
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No