

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision (F) No. 273 of 2017 (O&M)
Date of decision : April 10, 2019

Ravi Chaudhary

....Petitioner

versus

Gunjan Panwar and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Petitioner Ravi Chaudhary in person

Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik, Advocate, for the respondents

Fateh Deep Singh, J. (Oral)

An application under Section 127 of the Code of Criminal Procedure was filed by present petitioner Ravi Chaudhary against respondents wife and a minor son seeking modification of orders dated 11.7.2013 passed in an application under Section 125 Cr.P.C. During the course of recording of evidence in the application for change of maintenance allowance, the respondents had produced RW1 Gunjan Panwar whose examination-in-chief was got recorded

earlier and the matter was being repeatedly adjourned. On 10.5.2017, the husband who was appearing in person failed to appear to cross-examine the witness as is reflected from the first order dated 10.5.2017 which reflects that the petitioner has failed to appear to cross-examine the witness and inspite of earlier having been directed to pay Rs 500/- as costs did not comply with the same. Subsequently as per the second order the file was again taken up at 1.30 PM but as is detailed in the order dated 10.5.2017, the petitioner did not turn up for the cross-examination and subsequently as per the third order of the same very date, the matter was again taken up at 2.30 PM and inspite of three-four calls having been made till 3.15 PM his counsel Mr. Rajesh Kumar Attri appeared and requested for some time but thereafter none appeared to cross-examine the witness since morning whereby the third order was passed on 10.5.2017 which is reproduced as below:-

“File put up again at 2.30 pm. Case called three-four times since then upto 3.15 pm. At the last call at 3.15 pm, Sh. Rajesh Kumar Attri, counsel for the petitioner appeared and requested for ten minutes more time for putting cross-examination upon the witness and left the court after making such

request. File kept pending upto 4.00 pm and it was called several times in between but none appeared on behalf of the petitioner for conducting cross-examination upon RW1 upto 4.00 pm. Therefore, the witness cannot be held up further. Consequently, due to non-payment of costs to the witness and non pursuing the case by the petitioner upto 4.00 pm since morning, his defence stands struck of qua cross-examination upon RW1. Thereafter, respondent closed her evidence after tendering therein documents Mark 'A' to Mark 'K'. To come up on 17.05.2017 for arguments.”

The petitioner has challenged this order in the present revision.

Upon hearing the petitioner in person and counsel for the respondent Ms. Kiranjeet Kaur and perusal of the records is quite reflective of the obstinacy of the petitioner to comply with the directions of the court of learned Additional District & Sessions Judge, District Judge (Family Court), Ambala by not paying the costs and neither cross-examining the witness and throughout the day inspite of special caution having been given by the court on account

of repeated adjournments and his counsel having appeared before the court and requested for a pass over did not bother to put in appearance are matters of much concern. Such conduct of the litigant as well as his counsel has led to undue adjournments and thus, delaying dispensation of justice especially when on earlier occasions it has been sufficiently made clear to the petitioner side as to their obligation to carry on with the trial of the application. Such a conduct needs to be deprecated which is leading to unnecessarily delays in the disposal of the matters before the courts. The sole contention being raised by the petitioner that he is a poor clerk and had to face multiple litigation and could not appear does not come to his aid when he was fully aware of the pendency of the present matter where he had repeatedly sought adjournments. However, at the same time keeping in view that a party should not be denied access to justice by such an act of insolence both of the party and his counsel and it would be appropriate and to meet the ends of justice if one more opportunity is afforded to the petitioner to cross-examine the said witness. However, the same is subject to payment of Rs 10,000/- as costs which would be given to the respondents wife and son and which would be a pre-condition as well as compliance of earlier orders of imposition of Rs 500/- as costs

detailed above. In the light of the same, the present petition stands disposed of.

The parties are directed to appear before the court below in the first week of June, 2019.

April 10, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No