

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

247

**CR No.8505 of 2018 (O&M)
Date of Decision: 24.5.2019**

HARSIMRANJOT SINGH

.....Petitioner

Versus

KAMALJIT KAUR AND OTHERS

.....Respondents

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

Present: Mr.A.S.Gill, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

While issuing notice of motion, the following order
was passed on 14.12.2018:-

“Though there is no ground to grant any
further opportunity to the defendant No.3/petitioner
for leading evidence, but learned counsel for the
petitioner submits that the petitioner is a minor and
despite presence of his attorney on three occasions
before the trial Court, the witness was not cross-
examined by the plaintiff. Learned counsel prays for
only one opportunity to conclude the evidence of the
petitioner subject to heavy costs.

Notice of motion for 19.12.2018 to
respondent No.1 only. Process dasti only.”

After issuance of notice of motion, respondent No.1 was served through daughter. The report submitted by the process server was not witnessed by any person. It could not be brought on record whether respondent No.1 was living in the same house as her marital status was not disclosed in the report. For all abundant caution and in order to rule out any mis-conception, fresh notice was issued to respondent No.1 for 1.2.2019. *Dasti* process was also issued. Liberty was also granted to the petitioner to serve respondent No.1 through her counsel appearing in the trial Court.

As per office reports dated 6.2.2019 and 16.3.2019, respondent No.1 has been duly served for today, but there is no representation on behalf of respondent No.1.

Keeping in view the minority of the petitioner and the presence of his attorney on three occasions before the trial Court and not cross-examining the witness, I deem it appropriate that since the procedural law is handmaid of justice, therefore, the interest of justice would be best served in case the petitioner pays an amount of Rs.25,000/- towards costs to the respondents for concluding the entire evidence on one date for which the trial Court shall provide one effective opportunity to the petitioner for concluding his entire evidence subject to the

aforesaid costs. The payment of costs shall be the condition precedent for granting indulgence by the Court.

The impugned order dated 12.11.2018 is set aside.
The revision petition is disposed of accordingly.

May 24, 2019 anita	(RAJ MOHAN SINGH) JUDGE
Whether reasoned/speaking Whether reportable	Yes/No Yes/No