

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

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**Civil Revision 1188 of 2020**

Date of decision: 18.02.2020

*M/s Prem Parkash Sham Lal (International) and others* ..... *Petitioners*

***Versus***

*Punjab National Bank and others* ..... *Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Namit Gautam, Advocate  
for the petitioners

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**Rekha Mittal, J.** (Oral)

Challenge in the present appeal has been directed against order dated 09.12.2019 (Annexure P10) passed by the trial Court whereby application filed by the petitioners/defendants No. 2 to 5 for recalling Jasbir Singh (PW1) for the purpose of cross examination has been dismissed.

Counsel for the petitioners would fairly concede that Jasbir Singh (PW1) was available for his cross examination on 06.01.2018, 26.02.2018 and 16.04.2018, subsequent to his examination-in-chief recorded on 18.12.2017 by way of affidavit. However, counsel would pray that in case Jasbir Singh (PW1) is not allowed to be cross examined by the petitioners, it would be of serious consequence at the time of disposal of suit on merits wherein the respondent-bank has claimed recovery running into several crores of rupees. Counsel would submit that one effective

opportunity may be allowed to the petitioners to cross examine Jasbir Singh (PW1), may be subject to payment of reasonable costs.

Be that at it may, there is no denial as can be borne out from the order impugned that the petitioners were given sufficient opportunities for cross examination of Jasbir Singh, but eventually, his cross examination was treated as 'nil' on 16.04.2018. At the same time, in case Jasbir Singh (PW1) is not cross examined by the petitioners/defendants No. 2 to 5, it may be of serious consequence as there would be no challenge to testimony of Jasbir Singh (PW1) and document (s) produced by him, at the behest of petitioners/defendants No. 2 to 5. Rules of procedure are handmaid for administration of justice. The petitioners are ready to bear the costs for recalling the witness for his cross examination. Counsel would state, on instructions that Jasbir Singh (PW1) is posted at Ludhiana. In the given circumstances, it would be in the fitness of things, if the petitioners are allowed one effective opportunity for cross examination of Jasbir Singh (PW1), subject to conditions.

In view of the above, the petition stands disposed of; the impugned order is set aside and the petitioners are permitted to cross examine Jasbir Singh (PW1) subject to following conditions:-

- i) The petitioners shall prepare a demand draft of Rs.15,000/- in the name of competent authority of Punjab National Bank towards costs to be paid to the respondent-Bank, to be handed over to Jasbir Singh before starting his cross examination;
- ii) The petitioners shall ensure that cross examination of Jasbir Singh (PW1) is concluded

the day he appeared in the witness box for the purpose;

- iii) In case, the petitioners fail to cross examine Jasbir Singh (PW1) on the day of his appearance or complete his cross examination in a single sitting, they would not be entitle to further cross examination of the witness.

However, it is clarified that allowing the petition filed on behalf of petitioners/defendants No. 2 to 5 would not entitle other defendants to cross examine Jasbir Singh (PW1).

Disposed of accordingly.

**(Rekha Mittal)**  
**Judge**

18.02.2020  
Mohan Bimbura

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No