

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

CR No.5108 of 2019

Date of decision: 9th January, 2020

Suba Singh

... Petitioner

Versus

Tarlok Singh & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. Vipin Mahajan and Mr. Amit Gupta, Advocates
for the respondents.

FATEH DEEP SINGH, J. (ORAL)

It is undisputed stand of the two sides that the present revisionist/plaintiff had filed a suit and the first date of recording of plaintiff's evidence was fixed for 08.01.2019 when the learned trial Court has afforded three opportunities to the plaintiff to complete the evidence. It is also not displaced and is well reflected from the interim orders placed on the record that on the next date of hearing i.e. 30.01.2019 statement of PW1 Suba Singh petitioner was recorded and his cross-examination was deferred at the request of the defendants. On the next date of hearing i.e. 20.02.2019 on account of local holiday the matter was deferred for 11.03.2019 for cross-examination, on which date PW1 Suba Singh whose examination in-chief was recorded, was not available and the matter was deferred for his cross-examination and remaining

plaintiff's witnesses for 05.04.2019 on which date the matter was adjourned to 04.05.2019 for cross-examination and the impugned orders were passed to the following effect:-

“Present:- Sh. Kavi Raj Saini, Advocate for plaintiff.

Sh. Narinder Kumar, Advocate for defendants.

The ld. Counsel for defendant available for cross-examination but plaintiff is requested date. Further adjournment not justified. Plaintiff evidence close by order. Now to come up on 30.05.2019 for defendant evidence.”

It is quite reflective from these orders that the plaintiff had appeared and his examination in-chief was recorded and his cross-examination was deferred on the asking of the defendant and thereafter on account of a holiday and inadvertent non-appearance of the plaintiff subsequently, evidence was closed.

It is stated at the bar by learned counsel for the petitioner that besides cross-examination of the plaintiff as PW-1, two official witnesses whose diet money has been deposited, remain to be examined and Mr.Vipin Mahajan and Mr. Amit Gupta, Advocates representing the respondents do not object to the prayer of learned counsel for the petitioner Mr.R.K. Arya, Advocate that one opportunity of effective hearing be afforded to the petitioner.

In the light of stand of the two sides and the fact that parties should not be denied legitimate right to justice, impels this Court to

afford one opportunity of effective hearing to the petitioner/plaintiff for his cross-examination as well as for recording evidence of two official witnesses whose diet money has already been deposited, subject to payment of cost of ₹ 2,000/- to be deposited with the District Legal Service Authority, Gurdaspur, which shall be a pre-condition. Trial Court is directed to ensure that the needful is accomplished by all means. No further opportunity shall be afforded to the plaintiff. The revision petition stands allowed and disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

January 9, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No