

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8142 of 2019

Date of Decision: 15.01.2020

Gurnam Singh

.....Petitioner

Vs.

Balwant Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vijay Lath, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner points out from the interim orders passed by the trial Court between 06.10.2016 till date, that the impugned order was passed on 13.08.2019, as has been reproduced in paragraph 5 of the petition.

He further points to the fact that other than on 13.07.2017, and on two dates prior to the impugned order being passed, on all other dates, numbering about 20, either no witness for the plaintiff had come to testify, or if present, he sought an adjournment, (such adjournments mainly having been sought by the revenue official who was a witness for the plaintiff).

He therefore submits that though about 20 opportunities were not availed of over a period of three years by the plaintiff, even though counsel for the petitioner-defendant no. 1 may have been at fault in not cross-examining the witnesses of the plaintiff for three dates in succession, he deserves at least one opportunity to do the needful.

He submits that in fact the petitioner wishes to cross-examine only the plaintiff himself, who is appearing as PW-1.

He further submits that though five months have gone by since the impugned order was passed, in fact though the order was applied for on 18.09.2019, i.e. one month and six days after it was passed, the copy was prepared only on 21.10.2019, after which this petition was filed on 09.12.2019.

He has also submitted that in the five months that have gone by since the impugned order was passed, the proceedings before the trial court are still at the stage of recording of the evidence in rebuttal of the plaintiff.

That being so, without even issuing notice in this petition, it is disposed of with a direction to the trial Court that the petitioner be granted one opportunity to cross-examine PW-1 upon that witness coming present, and to thereafter proceed with the matter.

However, it is also made clear that since this petition is being disposed of and is actually being allowed to the aforesaid extent without issuing notice to the respondents, if any of the averments made on behalf of the petitioner are found to be incorrect, or the respondents wish to controvert the contents of this order on merits, they would be at liberty file an application seeking a review thereof.

January 15, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.