

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.129

CRM-M-12457-2022

Date of decision : 24.03.2022

Harjinder Singh

..... Petitioner

VERSUS

Lakhwinder Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Arnab Sood, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition challenge is made to order dated 14.03.2022, passed by the Civil Judge (Junior Division), Garhshankar (for short, the Trial Court), through which the petitioner's evidence had been ordered to be closed.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that on 08.10.2021 the petitioner tendered into evidence affidavits of three witnesses that he intended to produce in his defence and thereafter the matter was adjourned on five occasions for cross-examination of the afore witnesses, either on the request made on behalf of the petitioner or for non-appearance of his counsel resulting in the passing of the impugned order.

Learned counsel for the petitioner submits that the petitioner had supplied to the learned counsel appearing for him before the Trial Court affidavits of the witnesses he intended to produce in his defence to be filed as their examination-in-chief which were duly filed but thereafter it was on the request of/non-appearance of his counsel that the matter was adjourned. For such lapse on the part of his counsel the petitioner be not precluded from raising his defence and that too at the threshold of the litigation that he faces.

After considering the afore-submissions and in line with the principles of natural justice as also not to preclude the petitioner from raising his defence at the threshold of the litigation that he faces, subject to payment of Rs.10,000/- as costs, to be paid by the petitioner to the respondent, the impugned order is set aside and the Trial Court is directed to grant only one effective opportunity to the petitioner to produce all the witnesses he intends to produce in his defence and make them available on one date for their cross examination.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondent are transferred to the respondent's bank account.

The petition is allowed in the above terms.

24.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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