

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

113

2023:PHHC:104612

CR-1717-2017

Date of decision: 11.08.2023

RAJINDER PAL SINGH RANDHAWA & ANR.

..Petitioners

Versus

PREM CHAND AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. It appears that perturbed by constant interruption by the advocates representing both the parties, the trial Court ordered the closure of the evidence while making the following observations:-

“At this stage both the advocates are not cooperating with each other. Evidence closed.”

2. However, while recording the zimni order on the aforesaid date, the Court recorded that DW-1 has been cross-examined.

3. The learned counsel representing the plaintiff contends that the plaintiff's counsel was still cross-examining the witness and the Court passed the order when the cross-examination of the witness was not complete.

4. Despite service of notice, respondent No.1 remains unrepresented.

5. The Presiding Judge of the Court is required to hone his skills to manage the working of the Court. It was not appropriate for the Presiding Judge to pass adverse orders only because the learned counsel representing the parties were not cooperating. He shall have warned the advocates or taken some other steps, which are within the permissible limits of law.

CR-1717-2017

However, due to the fault of the advocates, it was not appropriate for the Court to deny the opportunity to complete the cross-examination of the defendant, who was an important witness for the just decision of the case.

6. Keeping in view the aforesaid facts, the revision petition is allowed. The order passed on 09.11.2016, to the extent of closure of the evidence is set aside.

7. The plaintiff is permitted to complete the cross-examination.

8. All the pending miscellaneous applications, if any, are also disposed of.

August 11th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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