

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

CR-794-2023(O&M)

Date of decision:-6.2.2023

Kuldeep Singh and another

...Petitioners

Versus

Sukhwant Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vipin Mahajan, Advocate
for the petitioners.

H.S. MADAAN, J.

1. In a civil suit pending before Civil Judge(Jr.Divn.), Gurdaspur, during the course of proceedings, the plaintiff had examined PW2 Baljit Singh and PW3 Vijay Kumar Gularia; they were not cross examined on behalf of defendant No.3 Baljinder Kaur; on that very day counsel for the other defendants had closed his evidence.

2. Subsequently an application was filed on behalf of defendant No.3 for the purpose of cross-examination of PW2 Baljit Singh and PW3 Vijay Kumr Gularia, which application was opposed on behalf of the plaintiff.

3. After hearing counsel for the parties, the trial Court of Civil Judge(JD),Gurdaspur vide order dated 30.9.2022, accepted the application, subject to payment of Rs.1,000/- as cost to be paid to each of

the witnesses. It was further directed that cost of Rs.200/- already imposed on the applicant be deposited with DLSA, Gurdaspur.

4. Subsequently the case kept being adjourned and on 10.11.2022 as counsel for defendant No.3 was not present in the Court till 2:00 p.m., opportunity of the cross-examination of the witnesses was treated as 'NIL'. Thereafter, on an application having been filed such opportunity was granted vide the impugned order dated 6.1.2023, leaving the plaintiffs aggrieved and they have filed the present revision petition.

5. I have heard learned counsel for the petitioners besides going through the record and I find that there is no merit in the present revision petition.

6. The Courts are not required to adopt a hyper technical approach but to ensure that justice is done to the parties. The trial Court did not do anything wrong in allowing application filed on behalf of defendant No.3 for permission to cross-examine PW2 Baljit Singh and PW3 Vijay Kumar Gularia.

7. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

8. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the

miscellaneous application(s), if any, stand disposed of accordingly.

6.2.2023

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No