

4. Learned counsel for the petitioner-defendant submits that the order passed by learned trial Court is unduly harsh and shall greatly prejudice the rights of the petitioner. He submits that the order passed by the trial Court be set aside and an opportunity for cross-examining the witnesses of the plaintiff be granted to the present petitioner-defendant.

5. I have considered the submissions made by learned counsel for the petitioner.

6. I do not find any illegality in the order passed by the trial Court. However, in the considered opinion of this court, the order is unduly harsh and shall greatly prejudice the rights of the present petitioner. It is always advisable that cases are decided on merits and no party should be non-suited on technicalities. No doubt, it is the bounden duty of the Courts as also of litigants to adhere to the process of law. It appears that the petitioner-defendant had been taking the proceedings very casually.

Be that as it may, without expressing any further opinion on the merits of the case, the present revision petition is allowed. The order dated 07.02.2023 passed by the trial Court is set aside. A direction is issued to the trial Court to afford two effective opportunities to the present petitioner-defendant for cross-examination of the witnesses of the plaintiff. This shall, however, be subject to payment of costs of ₹10,000/- to be paid to the plaintiffs.

(VIKRAM AGGARWAL)
JUDGE

07.08.2023
Prince Chawla

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