

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR No.3479 of 2023

Date of decision: 01.06.2023

Jaswinder Kaur Basra and another

....Petitioners

V/s

Rajinder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Hitender Kansal, Advocate for the petitioners.

VIKAS SURI, J. (Oral)

1. Present revision petition has been preferred challenging the order dated 09.04.2023 whereby right to cross-examine PW-1 Rajinder Singh was treated as nil.

2. Learned counsel for the petitioners would submit that the said witness was partly examined on 29.11.2022 and his cross-examination was deferred as the affidavit in examination-in-chief was supplied on the same day. On the adjourned day, the said witness was again partly examined and his cross-examination was deferred for want of record and accordingly the matter was posted for 05.01.2023. The matter was thereafter referred to the Mediation Centre finding there were chances of compromise between the parties and the case was adjourned awaiting report from the Mediation Centre. However, no settlement could be arrived at between the parties before the Mediation Centre and accordingly, PW-1 Rajinder Singh was partly examined on 17.02.2023 and his cross-examination was deferred as Court time was over. On the following date i.e. 01.03.2023, the matter was adjourned on the statement suffered by PW-Gaurav Mittal that the

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summoned record was not available having been transferred to another Court and last opportunity was granted for examining the remaining PWs. On 20.03.2023, the aforesaid PW-1 Rajinder Singh was partly examined along with two other witnesses and his cross-examination was deferred for want of documents. On the adjourned date i.e. 06.04.2023, no PW was present and the matter was adjourned for 19.04.2023.

3. On 19.04.2023, PW-1 Rajinder Singh was present in Court and a date was sought on behalf of learned counsel for the defendant, which request was declined and cross-examination of PW-1 Rajinder Singh was treated as nil.

4. Learned counsel for the petitioners submits that the reason for seeking the adjournment from the Court could not be communicated well in time and by the time the same was conveyed, impugned order had been passed. It is submitted that the counsels for the defendant-petitioners were getting married to each other and the marriage functions were to commence from 21.04.2023 and it was on account of pre-weeding preparation, they could not attend the Court on 19.04.2023, the date on which the impugned order was passed. The weeding card has been appended as Annexure P-4 with this petition, which would show that the weeding was scheduled for 22.04.2023 and culmination of continuous recital of the sacred Guru Granth Sahib, banquet followed by ladies sangeet, was a day prior thereto.

5. Heard learned counsel for the petitioners and perused the documents placed on record along with the revision petition.

6. In view of the above noted factual position, I am of the considered view that ends of justice would be adequately met in case one

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effective opportunity is granted to the defendant-petitioners to cross-examine PW-1 Rajinder Singh, subject to payment of Rs.25,00/- as costs to be paid to the said witness.

7. This petition is being disposed of without issuing notice to respondent to avoid the proceedings being delayed any further and even otherwise, it would unnecessarily burdened the plaintiff-respondent with additional expenses.

8. This revision petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

June 01, 2023
Ajay

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