

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CR-4142-2023

Date of Decision : 25.08.2023

Raman Kumar

.....Petitioner

Versus

Lakhwinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Gurmeet Singh Saini, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The instant revision petition has been preferred by the petitioner/defendant seeking quashing of orders dated 24.04.2023 (Annexure P-37) and 04.07.2023 (Annexure P-43) passed by learned Additional Civil Judge (Senior Division), Zira, District Ferozepur in case bearing No.CS-73-2019 titled as 'Lakhwinder Singh Vs. Renu' whereby opportunity for cross-examination of PW-1 Lakwinder Singh and PW-2 Kuldeep Singh was ordered to be 'nil' and the application filed by the petitioner/defendant for recalling the witnesses for cross-examination has been dismissed, respectively.

2. Learned counsel for the petitioner, inter alia, contends that the counsel for the petitioner has noted down the wrong date, therefore, on 24.04.2023 he could not cross-examine PW-1 Lakwinder Singh and PW-2 Kuldeep Singh and he filed an application for recalling of order dated 08.05.2023, however, the said application has also been dismissed vide impugned order dated 04.07.2023 (Annexure P-43). He submits

that if petitioner is not given the opportunity to cross-examine PW-1 Lakwinder Singh and PW-2 Kuldeep Singh, great prejudice would be caused to the petitioner/defendant and would effect the decision of the civil suit. He submits that now the case is fixed before the Trial Court on 31.08.2023 and he would conclude his evidence on the said date itself by cross-examining PW-1 Lakwinder Singh and PW-2 Kuldeep Singh.

3. I have heard learned counsel for the petitioner and perused the relevant documents.

4. Keeping in view the peculiar facts and circumstances of the present case and the fact that wrong date was noted down by the counsel for the petitioner as has been alleged in the application for recalling of order dated 08.05.2023, it would be appropriate that one more effective opportunity is granted to the petitioner/defendant for cross-examination of PW-1 Lakwinder Singh and PW-2 Kuldeep Singh.

5. In view of the above, the impugned order dated 04.07.2023 is modified to this extent that the petitioner shall be granted one more effective opportunity to cross-examine PW-1 Lakwinder Singh and PW-2 Kuldeep Singh on 31.08.2023 or any subsequent date given by the Trial Court subject to payment of Rs.5,000/- as costs to be paid to the respondent/plaintiff on the next date of hearing before the Trial Court, as a condition precedent.

6. Disposed of in the above-said terms.

7. Given the nature and facts of this case, this Court is not inclined to issue notice to the respondent to avoid unnecessary expenditure which he will incur for his appearance and to engage a counsel.

8. Needless to say that the respondent would be at liberty for recalling of this order by moving an appropriate application, if so aggrieved.

25.08.2023

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No