

123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CR-4328-2023 (O&M)**  
**DECIDED ON: 02.08.2023**

**BHIRAWAN BHAI ARYA DENTAL AND GENERAL HOSPITAL AND  
ORS**

**.....PETITIONERS**

## VERSUS

**SUNMEET SINGH**

## ....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.**

Present: Mr. Sidhant Vermani, Advocate  
for the petitioners.

**VIKRAM AGGARWAL, J (ORAL)**

1. The present revision petition assails the order dated 04.05.2023 (Annexure P-5) passed by the Civil Judge (Junior Division), Amritsar vide which the opportunity to cross-examine PW-1 was treated as nil.

2. The respondent-plaintiff filed a suit for recovery of ₹3,24,000/-. Only one witness namely Dr. Sunmeet Singh was examined. On 04.05.2023, since he was not cross-examined by learned counsel for the petitioner-defendant, the right to cross-examine was treated as nil and the case was adjourned to 12.07.2023 for remaining witnesses and on 12.07.2023, the evidence of the plaintiff was closed.

3. Learned counsel for the petitioners submits that the counsel for the petitioners-defendants could not conduct cross-examination on 04.05.2023 on account of reasons beyond his control. He submits that only one opportunity is required to cross-examine the said witness without which serious prejudice shall be caused to the rights of the petitioners-defendants.

4. Since the decision of the present revision petitioners-defendants

shall not affect the rights of the respondent-plaintiff, notice is not being issued.

5. I have considered the submissions made by learned counsel for the petitioners-defendants. Though, I do not find any illegality or infirmity in the order since the other interlocutory orders on record do show that efforts were being made for examination of PW-1 however, at the same time, it has to be borne in mind that cases should be decided on merits and no party should be non-suited on technicalities.

In view of the above, the present revision petition is allowed. The order dated 04.05.2023 passed by the Civil Judge (Junior Division), Amritsar is set aside. One opportunity is granted to the petitioners-defendants to cross-examine PW-1 as per the convenience of the trial Court and subject to payment of costs of ₹5,000/- to the respondent-plaintiff.

(VIKRAM AGGARWAL)  
JUDGE

02.08.2023

Prince Chawla

Whether speaking/reasoned Yes/No

Whether reportable Yes/No