

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4408 of 2023

Date of Decision: 07.08.2023

Satish Kumar Singh and Anr.

.....petitioners

Versus

Jaswant Singh Jassa

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Nikhil Chopra, Advocate
for the petitioners.

GURBIR SINGH, J (ORAL)

1 The challenge in this petition is to order dated 26.10.2022 (Annexure P-7) passed by learned Civil Judge (Jr. Divn.), Jalandhar, whereby evidence of the defendant was closed and further for quashing of order dated 03.07.2023 (Annexure P-13), whereby the application for recalling the order dated 26.10.2022 has been dismissed.

2 Learned counsel for the petitioners submits that affidavit of the defendant-petitioner *herein* was tendered but he could not appear for the cross-examination and vide order dated 26.10.2022, evidence of the petitioner/defendant was closed by order. He submits that thereafter also in the order dated 07.11.2022, the case was fixed for DWs, then again for DWs and on 21.11.2022 (Annexure P-10), the said orders were stated to be passed inadvertently. He further submits that without challenging the procedure adopted by learned Trial Court, he prays that only one opportunity be given. If DW, is not cross-examined then his examination would not be read. He does not want to examine any other witness. The witness-DW1, whose

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affidavit has already been tendered shall appear at his own responsibility for the purpose of cross-examination and shall not seek any further adjournment.

3 Heard.

4 Procedures is handmaid to the administration of justice. It is meant for advancement of justice. A party must be given full opportunity to present his/her case. If DW, is cross examined then it may not cause any prejudice to other party which can be compensated by way of costs.

5 This order is being passed without issuing notice to other party as it would entail further delay in deciding the suit.

6 Accordingly, the petition is allowed and the petitioner is granted one opportunity to cross-examine the respondent subject to payment of costs of Rs.3000/- to be paid to respondent.

7 If the respondent is not satisfied with the order, then he can move the application within a period of one month for recalling this order.

(GURBIR SINGH)
JUDGE

07.08.2023

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