

CR-4533-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.134

CR-4533-2023

Date of Decision: 10.08.2023

JATINDER LAL

....Petitioner

Versus

BAHADUR CHAND AND ANR.

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Brajesh Kumar, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 22.05.2023 (Annexure P-6) and order dated 24.07.2023 (Annexure P-9), passed by the Court below, in Civil Case bearing No. CS/520/2019, titled as “*Bahadur Chand vs. Pal Ram and another*”.

Learned counsel for the petitioner heard.

As evident from the paperbook, Bahadur Chand, respondent No.1, has filed a suit for recovery of Rs.3,00,000/- against Pal Ram and Jatinder Kumar @ Sonu, who is the present petitioner. Issues in the present case were framed on 04.05.2023 and the case was adjourned further for evidence of the plaintiff for 22.05.2023. However, on 22.05.2023, two witnesses i.e. PW-1 Raj Rani and PW-2 Kamaljit Kaur were present. On that date, in pre-lunch session, an observation was made by the Court that the case having been called several times and counsel for defendant no.2 was not present to conduct the cross-

examination of the aforesaid two witnesses, due to which, the file to be taken up again after lunch. In the post lunch session, aforesaid two witnesses were present and also an observation was made that case was called several times and counsel for defendant No.2, had not made appearance and consequently, cross-examination of said witnesses was treated as 'NIL'.

However, it is pertinent to mention here that even though, an observation has been made in both the aforesaid orders about the counsel for defendant no.2 not making appearance, but the presence of counsel for defendant no.2, has been marked in both the orders. Otherwise also, it should be noted that it was the first date for recording evidence of the plaintiff.

It is now submitted by learned counsel for the petitioner that he could not make appearance as he was busy in conducting the case in Civil Courts, Phillaur and even, petitioner did not make appearance on that date, on account of ailment of his father.

Considering the aforesaid fact situation and more particularly about the date fixed to be the first date for conducting the evidence of the plaintiff, in the interest of justice, the impugned order dated 22.05.2023 (Annexure P-6), passed by the Court below, is set aside and only one opportunity is granted to the petitioner, to conduct the cross-examination of PW-1 Raj Rani and PW-2 Kamaljit Kaur.

However, the main case before Court below is stated to be fixed for today itself. In view of the same, on the next date fixed by the Court, the Court shall make an endeavour to summon the aforesaid two witnesses for

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conducting their cross-examination and if they make appearance, learned counsel for defendant no.2 shall cross-examine them on that very day.

If for certain constrained circumstances, the Court is not in a position to conduct the cross-examination of the aforesaid two witnesses on that day, the same shall be conducted, within a period of seven days thereafter.

Accordingly, the revision petition stands disposed.

10.08.2023
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

Yes/No