

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4684-2023
Date of Decision: 18.08.2023.

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SATNAM SINGH

.....Petitioner

Versus

SUDIP SAHA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Surinder Sharma, Advocate for the petitioner.

GURBIR SINGH, J (ORAL)

1. The challenge in this petition is the order dated 01.08.2023 (Annexure P-2) passed by Civil Judge, Senior Division Kapurthala whereby the evidence of the petitioner/plaintiff was closed by order.
2. Learned counsel for the petitioner submits that petitioner was ill so could not appear in the Court below for facing cross examination. He further submits that on the next date, he would appear on his own and only one opportunity may be granted for the cross examination of the petitioner/plaintiff, as affidavit by examination-in-chief has already been placed on the record.
3. Heard.
4. Keeping in view, that the procedure is handmaid to the administrative of justice. It is meant for advancement of justice and a person should not be non suited only on technicalities and a party has every right to get the decision on merits. Learned counsel for the petitioner/plaintiff has stated that he does not

examination of petitioner/plaintiff then no prejudice would be caused to other party.

5. If notice to defendants/respondents is issued first then it may cause financial burden on the defendants/respondents. So, in the interest of justice, impugned order is set aside; one opportunity is granted to the petitioner/plaintiff to appear in the Court on his own on 21.08.2023, the date already fixed by the learned trial Court and he shall be cross-examined by the defendants on the same day or on the very next working day but subject to payment of cost of Rs.5000/- to the defendants/respondents. If the defendants/respondents are not satisfied with this order, then they can challenge this order by moving application within a period of 30 days and not thereafter.

7. Petition stands disposed of.

(GURBIR SINGH)
JUDGE

18.08.2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No