

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

133

CR-6288-2023

Date of Decision : 19.10.2023

Gurdial Singh

.....Petitioner

Versus

State Bank of India and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Jagjit Singh, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 10.10.2023 (Annexure P-11) passed by learned Additional Civil Judge (Senior Division), Sultanpur Lodhi in Civil Suit No.186 of 2021 titled as 'SBI Vs. Gurdial Singh' whereby cross examination of PW-1 Umesh, who was examined-in-chief on 13.12.2022, has been treated as nil.

2. The petitioner has attached the zimni orders passed by the Trial Court. A perusal thereof would show that PW-1 Umesh was examined-in-chief on 13.12.2022 and his cross-examination was deferred for 07.02.2023. On 07.02.2023 since regular counsel for the petitioner/defendant was not present, therefore, the said witness could not be cross-examined and the case was adjourned for 14.03.2023. On 14.03.2023 no PW was present and the case was adjourned on the request of counsel for the respondent/plaintiff for 18.04.2023. On 18.04.2023, since the counsel for the petitioner/defendant was not

available, therefore, the case was adjourned for 18.07.2023. On 18.07.2023 the matter was adjourned for 08.08.2023 as the Presiding Officer was availing joining time w.e.f. 14.07.2023 till 20.07.2023. On 08.08.2023 since the counsel for the petitioner/defendant was not available, therefore, the matter was adjourned for 12.09.2023. On 12.09.2023 the case was adjourned on the request of counsel for the respondent/plaintiff as no PW was present and thereafter vide impugned order dated 10.10.2023, the cross-examination of PW-1 Umesh has been treated as nil.

3. Learned counsel for the petitioner submits that great prejudice would be caused to the petitioner/defendant if PW-1 Umesh is not allowed to be cross-examined and seeks one last opportunity for the said purpose.

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

5. Keeping in view the above factual position, it would be appropriate to grant one more opportunity to the petitioner/defendant to cross-examine PW-1 Umesh. Consequently, the order dated 10.10.2023 passed by learned Additional Civil Judge (Senior Division), Sultanpur Lodhi is set aside and the petitioner is granted one more opportunity to cross-examine PW-1 Umesh on the next date of hearing fixed before the Trial Court.

6. The instant revision petition is allowed in the abovesaid terms.

7. Keeping in view the relief claimed in the present petition, this Court is not inclined to issue notice to the respondents to avoid unnecessary expenditure which they will incur for their appearance and to engage a counsel.

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

19.10.2023

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No