

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.5655 of 2022 (O&M)
Date of Decision: 18.05.2023**

Inderjit Singh

.....Revisionist-petitioner

Versus

Narinder Singh

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vipin Mahajan, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order dated 02.08.2022 (Annexure P-3) passed by learned Civil Judge (Junior Division), Gurdaspur (for short 'the trial Court') in the Civil Suit bearing No.1342 of 2017 titled as "***Inderjit Singh vs. Narinder Singh***", whereby the opportunity to cross-examine the respondent-defendant (here-in-after to be referred as 'the defendant'), has been ordered to be treated as 'Nil' and he has also assailed the order dated 11.11.2022 (Annexure P-5) handed down by the trial Court regarding the dismissal of the application, moved by him with a prayer to recall the order Annexure P-3.

2. I have heard learned counsel for the plaintiff in this revision petition, at the preliminary stage and have also perused the file carefully.

3. Though the plaintiff had not cross-examined DW-1, i.e the defendant, on 01.04.2022, 17.05.2022 and 06.07.2022 but keeping in view the fact that in case he (plaintiff) is deprived of the opportunity to cross-examine the defendant (DW1), who would be the most material witness against his claim/version in the said Civil Suit, then he would suffer an irreparable loss that may further result in the mis-carriage of justice, this Court is of the considered opinion that it will be in the fitness of the things and the interest of justice will also be best served if the plaintiff is granted one effective opportunity to cross-examine DW-1, i.e defendant Narinder Singh, but however, the payment of cost shall be a condition precedent for this purpose.

4. Resultantly, without issuing the notice to the respondent-defendant so as to avoid any further delay in the trial of the afore-referred Civil Suit and also to avert the expenses that he (respondent) may have to incur so as to defend in the present petition, the impugned orders dated 02.08.2022 (Annexure P-3) and 11.11.2022 (Annexure P-5) are hereby set-aside and the revision petition in hand is hereby disposed of with a direction to the trial Court to afford only one more effective opportunity to the plaintiff to cross-examine the defendant (DW-1) in the said Civil Suit, but the payment of the cost of Rs.10,000/- shall be a condition precedent for doing so and in case of the default on his (plaintiff's) part in cross-examining DW-1 or the payment of the said cost on the date as may be fixed by the trial Court, he shall not be entitled to any further opportunity for the above-said purpose.

5. However, it is further clarified that in the eventuality of the respondent-defendant feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant petition.

May 18, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>