

CR-6747 of 2023

2023:PHHC:162798

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

CR-6747 of 2023

Date of decision: 18.12.2023

M/s Deepak Kumar & Company

.....Petitioner

Versus

Chatar Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Siddharth Gupta, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred by the petitioner-plaintiff under Article 227 of the Constitution of India impugning the order dated 13.10.2023 (Annexure P-1) passed by the Court of learned Civil Judge (Senior Division), Bathinda, whereby application filed by respondent-defendant seeking permission to cross-examine PW-1 Deepak Kumar, has been allowed.

2. Brief facts of the case are that petitioner filed a suit for recovery of Rs.7,50,000/- i.e. Rs.6,00,000/- being principal amount and Rs.1,50,000/- being interest upto 15.05.2019 @ 1.5% per month as agreed between the parties along with future interest @ 1.5% per month till realization. Upon notice, respondent appeared and filed his written statement denying all the averments made in the plaint. After completion of pleadings issues were framed and case was listed for evidence of the petitioner. Petitioner stepped into witness box as PW-1

and tendered his affidavit dated 02.12.2021 in his examination-in-chief and case was adjourned for 10.12.2021 for the purpose of cross-examination of PW-1. On 10.12.2021, cross-examination of the petitioner was not conducted by the respondent, therefore, same was ordered to be treated 'NIL'. On 20.12.2021 when the case was listed for evidence of the respondent-defendant, he moved an application seeking permission to cross-examine petitioner-plaintiff and other witnesses. The said application was allowed by the trial Court vide impugned order dated 13.10.2023. Hence, this revision petition.

3. Learned counsel for the petitioner contended that the trial Court wrongly allowed the application of the respondent to cross-examine the petitioner without taking into consideration that despite availing opportunity he did not cross-examine the petitioner on the date fixed. He further contended that impugned order being perverse is liable to be set aside.

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

5. It is settled principle of law that cases should be decided on merit and not merely on technical grounds. Rules of procedure are for advancement of justice and to do substantial justice. Considering all the facts and circumstances of the case and keeping in mind, the golden rule that none should be given walk over and *lis* between the parties, as far as possible, should be decided at its own merit after affording sufficient opportunities to both the parties to place on record entire evidence and material, this Court is of the opinion that respondent has

CR-6747 of 2023

2023:PHHC:162798

rightly been granted the opportunity to cross-examine the witness of the plaintiff.

6. The impugned order passed by the trial Court is well-reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

18.12.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No