

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

**Civil Revision No.6963 of 2023
Date of Decision: 29.11.2023**

Rajiv Bedi

...Revisionist-Petitioner

Versus

Balbir Singh

...Respondent

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

Present:- Mr. Sachin Ohri, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

The petitioner-defendant (here-in-after to be referred as 'the defendant') has filed this revision petition to assail the orders Annexures P-1 and P-2 as passed by learned Civil Judge (Senior Division) Gurdaspur (for short 'the trial Court') on 05.09.2023 and 18.10.2023 respectively in ***Civil Suit No. 306 of 2018*** titled as '***Balbir Singh vs. Rajiv Bedi***', whereby the cross-examination of PW1 Balbir Singh and PW3 Sucha Singh on his (defendant's) behalf has been ordered to be treated as 'Nil'.

2. I have heard learned counsel for the petitioner-defendant in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Though as mentioned in the impugned orders, the counsel for the defendant had not appeared in the trial Court on the relevant dates to cross-examine the above-said PW1 and PW3 but keeping in view the fact that if the defendant is deprived of his valuable right to cross-examine

them, he would suffer an irreparable loss that may further lead to/result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if he is granted one more opportunity to cross-examine the afore-named witnesses but subject to payment of cost to the respondent-plaintiff.

4. Resultantly, without issuing the notice to the respondent so as to avoid any further delay in the trial of the above-referred Civil Suit and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition, both the impugned orders (Annexures P-1 & P-2) are set-aside and the revision petition in hand is, hereby, disposed of with a direction to the concerned trial Court to grant only one opportunity to the defendant to cross-examine the afore-named PW1 and PW3 but the payment of the cost of Rs.10,000/- shall be a condition precedent for doing so and in case of default on his part in cross-examining these witnesses or in payment of the cost on the date as may be scheduled by the trial Court, he shall not be entitled to any further opportunity for the above-said purpose.

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

29.11.2023
Seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No