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

CR-7042-2023

Date of Decision:- 22.11.2023

RAKESH SANGWAN

...Petitioner

Vs.

SAVITRI DEVI AND ORS.

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

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

AMARJOT BHATTI, J. (Oral)

1. The petitioner Rakesh Sangwan has filed civil revision under Article 227 of the Constitution of India for setting aside the impugned order dated 19.10.2023 (Annexure P-9) passed by learned Civil Judge (Jr. Divn.), Bahadurgarh whereby the petitioner's evidence has been closed by order and the case was fixed for rebuttal evidence, if any and arguments.

2. Learned counsel for the petitioner pointed out that Savitri Devi filed contempt petition against Urmila Devi and others including the present petitioner which is Annexure P-2. The respondents filed their reply to the contempt petition which is Annexure P-3. The case was fixed for evidence of the respondents. Rakesh Sangwan tendered his affidavit as per zimni order dated 25.09.2023 (Annexure P-6) and on the request of other counsel the cross-examination was deferred and the case was adjourned for 06.10.2023. On 06.10.2023, the witness was present in the Court but the case was adjourned as the Court time was over and it was further

adjourned for 19.10.2023. On 19.10.2023, Rakesh Sangwan the present petitioner was to appear in a criminal appeal filed by Savitri Devi and for this reason he could not appear in the contempt petition on 19.10.2023. The copy of order dated 19.10.2023 passed by the Sessions Judge, Jhajjar is Annexure P-8. Due to non-appearance of Rakesh Sangwan before the Court of Civil Judge (Jr. Divn.) Bahadurgarh, the evidence of the respondent was closed by order and the case was adjourned for rebuttal evidence, if any, otherwise for arguments. It is prayed that there was no intentional absence on the part of the present petitioner. He may be given one opportunity to appear in the Court for his cross-examination so that the case is decided on merits.

3. I have considered the arguments. The case of the present petitioner is based on documents which are already placed on record. No purpose would be served by giving notice to the contesting respondent No.1 Savitri Devi as it will result into delay in disposal of the case and unnecessary litigation expenditure for respondent No.1. I have considered the stand taken by the present petitioner Rakesh Sangwan. It is matter of record that he had tendered his affidavit in the contempt petition on 25.09.2023 and on that date his cross-examination was not conducted. On the next date, he was present in the Court for cross-examination but the case was adjourned as court time was over. On the next date i.e. 19.10.2023 he could not appear before Civil Judge (Jr. Divn.), Bahadurgarh as he was to appear in a criminal appeal pending before Sessions Judge, Jhajjar. This fact is established from the zimni order dated 19.10.2023, Annexure P-8. Therefore, there was no intentional absence on the part of present petitioner before the Court of Civil Judge (Jr. Divn.),

Bahadurgarh. Considering these facts, the Civil Revision filed by the present petitioner is allowed and the order dated 19.10.2023 passed by Civil Court is set aside with a further direction that the cross-examination of Rakesh Sangwan be completed on the next date fixed before the trial Court i.e. 29.11.2023. In case for some reason the cross-examination of Rakesh Sangwan is not conducted by the counsel for the petitioner then another reasonable date be given to complete the cross-examination of the petitioner Rakesh Sangwan.

4. The Civil Revision is, accordingly, disposed of.

Pending application (s), if any, also stands disposed of.

22.11.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No