

Jarnail Singh

...Petitioner

Versus

Jagir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Ramesh Sharma, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 15.11.2023 (Annexure P-3) passed by the Ld. Civil Judge (Jr. Division), Nakodar, District Jalandhar whereby evidence of the petitioner/plaintiff has been closed by order.

2. Learned counsel for the petitioner submits that on 29.09.2022 plaintiff along with two other witnesses was present and they tendered their affidavits by way of examination-in-chief but other party did not cross-examine them and the matter was adjourned. Thereafter plaintiff was cross-examined and the other two witnesses are yet to be cross-examined. Evidence of the plaintiff has been closed by order. If said witnesses are not cross-examined then plaintiff/petitioner would suffer irreparable loss as their statements would not be led in evidence. He further submits that petitioner would be satisfied if one opportunity is granted to cross-examine PW2 and PW3 and they shall be produced at own responsibility.

3. Although there is some inaction on the part of the petitioner/plaintiff but trial Court did not take any coercive action to summon

PW2 and PW3, so, in the interest of justice order dated 15.11.2023 (Annexure P-3) passed by the Ld. Civil Judge (Jr. Division), Nakodar, District Jalandhar is hereby set aside and this petition is disposed of with a direction to the trial Court to give one opportunity to the petitioner to produce PW2 and PW3 at his own responsibility for the purpose of cross-examination but subject to payment of costs of Rs.5,000/- to be paid to the opposite party. The learned trial Court shall fix the date as per the convenience for the cross-examination of the said witnesses and they shall be cross-examined on the same very date. In case of default, this order shall stand automatically vacated.

4. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

04.12.2023
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No