

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.953 of 2024
Date of Decision: 04.04.2024

Amarjit Singh
.....Revisionist-Petitioner.

Versus

Bank of India and others
.....Respondents.

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

Present:- Ms. Ravinder Kaur, Advocate, appearing for
 Mr. Gurcharan Dass, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-defendant No.3 (here-in-after to be referred as ‘defendant No.3’) has assailed the order (Annexure P-1) handed down by learned Civil Judge (Senior Division), Ludhiana (for short ‘the trial Court’) on 11.01.2024 in ***Civil Suit No.3716 of 2020*** titled as ‘***Bank of India Vs. Jasleen Kaur and Ors***’, whereby his opportunity to cross-examine PW1 Neha Sharma has been ordered to be treated as ‘NIL’, while observing that he had failed to cross-examine her despite availing sufficient opportunities.

2. I have heard learned counsel appearing for the petitioner-defendant No.3 in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Though, defendant No.3 had failed to cross-examine the above-named PW1, well in time but keeping in view the fact that if he is deprived

of his valuable right to cross-examine the afore-said witness to contest/defend himself in the above-referred Civil Suit, he shall 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 will be in the fitness of the things and the ends of justice will also be best served if he is granted another opportunity to cross-examine PW1 but subject to the payment of cost.

4. Resultantly, without issuing notice to respondent No.1-plaintiff-Bank (here-in-after to be referred as 'the plaintiff') so as to avoid any further delay in the adjudication of the afore-said Suit and also to avert the expenses that it (plaintiff) may have to incur to defend in the instant revision-petition, the impugned order (Annexure P-1) is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned trial Court to afford only one opportunity to defendant No.3 to cross-examine PW1 Neha Sharma but the payment of cost to the tune of Rs.15,000/- to the plaintiff shall be a condition precedent for doing so and in case of the default on the part of defendant No.3 to cross-examine the above-named PW1 or in the payment of cost on the date as may be scheduled by the trial Court for this purpose, he shall not be entitled to any further opportunity for the same.

5. It is also clarified here that in the eventuality of respondent No.1-plaintiff-Bank feeling aggrieved by this order, it shall be at liberty to move an appropriate application to contest the present revision-petition.

April 04, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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