

Sumit Dev Ailawadi

...Petitioner

Versus

Devinder Kaushik and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Anoop Verma, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking directions to the trial Court to decide the case bearing case No.CS/3740/2018 instituted on 30.07.2018 titled as Sumit Dev Vs. Devender Kaushik and others (Annexure P-2), which is fixed for 27.03.2024 expeditiously, within a time bound manner as the same is pending since more than 05 years and 06 months whereas the petitioner is 60% permanently disabled person.
2. Learned counsel for the petitioner submits that the suit was filed in the year 2018. The petitioner is a disabled person having permanent disability to the extent of 60%. Issues were framed on 09.12.2021. Examination-in-chief of three witnesses was recorded on 21.12.2022 and their cross-examination was deferred time and again but none of the witnesses was cross-examined. Even on 21.07.2023 the adjournment was granted and matter was fixed for 28.07.2023 subject to payment of costs of Rs.2000/- for the purpose of cross-examination and on even on that date costs was not paid still and adjournment was granted. The fourth witness namely Kamlesh was also present on 19.01.2024 but she was also not examined. He further submits that the matter

is being lingered on. Petitioner is a very old person and he would be satisfied if his case is disposed of with a time bound manner. The next date of hearing before the trial Court is 27.03.2024.

3. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents.

4. Since the next date of hearing is fixed for 27.03.2024, witnesses are not being cross-examined and it is not possible for the witnesses to attend each date for the cross-examination and to return with a direction to appear on the next date. Thus the trial Court is directed to ensure cross-examination of the witnesses to be produced by petitioner on 27.03.2024 on the same day or any other date to be fixed by the learned trial Court but maximum within a period of 15 days in case witnesses cannot be cross-examined due to some urgency on the part of trial Court. It is further directed that no unnecessary adjournment shall be granted.

5. Petition stands disposed of.

20.02.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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