



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

**CR No.3245 of 2024
Date of Decision: 27.05.2024**

Ajay Kumar

.....Revisionist-Petitioner.

Versus

Ramesh and others

.....Respondents.

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

Present:- Mr. Abhishek Khullar, Advocate, appearing for
 Mr. Atinderpal Singh, 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-plaintiff (here-in-after to be referred as 'the plaintiff') has laid challenge to the order (Annexure P-1/A) passed by learned Civil Judge (Junior Division), Amritsar (for short 'the trial Court') on 01.05.2024 in *Civil Suit No.1616 of 2019* titled as "*Ajay Kumar Vs. Ramesh etc*", whereby the application, moved by him for seeking an adjournment on the ground of illness of his counsel, has been dismissed and the cross-examination of DW1 Ravi Kumar, on his (plaintiff's) behalf, has been treated as 'NIL'.

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

3. A perusal of Annexure P-3 (Colly), i.e the copies of the orders passed by the trial Court during the period from 09.02.2024 to 26.04.2024 reveals that the said DW1 had appeared in the witness-box on 27.02.2024 and



his examination-in-chief had been recorded on that day and thereafter, he had put in appearance in the Court on 26.04.2024 for his cross-examination but learned counsel for the petitioner-plaintiff had sought an adjournment and the case was adjourned to 01.05.2024 for his (DW1's) cross-examination and for recording the remaining evidence of the respondents-defendants but on the said date, the above-referred application was moved and it had been dismissed vide the impugned order. However, Annexure P-2 is the copy of the report wherein the sonography test of the counsel for the petitioner is shown to have been conducted on 01.05.2024. It being so, the inability on his (petitioner's) part to cross-examine DW1 on that day, cannot be construed to be unjustified.

4. Resultantly, without issuing notice to the respondents-defendants so as to avoid any further delay in the adjudication of the above-said Suit and also to avert the expenses that they (respondents) may have to incur to defend in the present revision-petition, the impugned order (Annexure P-1/A) is set-aside and the revision-petition in hand is, hereby, disposed of with a direction to the concerned trial Court to afford only one opportunity to the petitioner-plaintiff to cross-examine DW1 Ravi Kumar and in case of the default on his part in doing so 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 the respondents-defendants feeling aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant revision-petition.

May 27, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No