



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5128-2024

Date of Decision: 06.09.2024

MALKIAT SINGH @ MALKIT SINGH

. . . . PETITIONER

Vs.

GURJANT SINGH @ JANT SINGH AND ANOTHER

. . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunny K. Singla, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is the plaintiff in Civil Suit bearing CS-187-2020 titled 'Malkiat Singh Vs. Gurjant Singh and another' before Ld. Additional Civil Judge (Junior Division), Malerkotla. He is aggrieved by the order dated 21.08.2024, whereby his evidence has been closed by the Court order.

2. Heard Id. counsel for the petitioner and paper-book perused.

3. In the impugned order, it is observed by the trial Court that witness Malkiat Singh is none other than plaintiff himself (*petitioner before this Court*). He was present in the Court on 21.8.2024 but went away without informing the Court and without getting his cross-examination conducted. Earlier also he did not put in appearance before the Court on various dates for the purpose of his cross-examination and it was compelled by these circumstances that Court closed the plaintiff's evidence.

4. Learned counsel for the petitioner requests for one opportunity for appearance of the petitioner-plaintiff for the purpose of conclusion of his cross-examination submitting that on some of the dates, the matter was adjourned for statement of plaintiff on the request of opposite party.

5. Be that as it may, in the interest of justice, considering that the

concerned witness is the plaintiff himself, one opportunity is provided to him to put in appearance before the trial Court for the purpose of his cross-examination. This one opportunity for the purpose of cross-examination of the petitioner is allowed subject to payment of ₹50,000/- as costs, payable to both the defendants in equal share. The said costs i.e. ₹25,000/- each to the defendants shall be paid to them through bank drafts. The trial Court shall fix a date for the cross-examination of the plaintiff. On the date so fixed, in case plaintiff-petitioner does not appear for the purpose of his cross-examination without any sufficient cause, in that eventuality, this petition will be deemed to have been dismissed.

6. Since, this order has been passed without issuing any notice to the respondents, they will be at liberty to approach this Court, in case they feel aggrieved.

Disposed of.

06.09.2024
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>