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

CR-5258-2024
Date of decision: 16.09.2024

Navtej Singh

...Petitioner

Versus

Hanish Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Navjot Singh, Advocate for the petitioner.

Mr. Sandeep Arora, Advocate for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 226/227 of the Constitution of India for setting aside the order dated 26.07.2024 (Annexure P-13) passed by the Civil Judge (Junior Division), Jalandhar whereby the application for setting aside the ex parte orders dated 09.10.2023 (Annexure P-4) and dated 30.11.2023 (Annexure P-9), has been dismissed.

2. On 11.09.2024, this Court had passed the following order:-

“Learned counsel for the petitioner has submitted that to compensate the respondents No.1 and 2 for the delay caused in the suit, the petitioner is ready to pay compensation of an amount of Rs.50,000/- and has prayed that one last opportunity be granted to the petitioner to cross-examine the witnesses already examined and to join the proceedings.

Notice of motion be issued to respondents No.1 and 2, at



this stage, for 16.09.2024.

Process dasti as well.

Liberty is granted to the petitioner to serve respondents No.1 and 2 through their counsel appearing before the trial Court.

Petitioner would prepare the demand drafts of Rs.25,000/- each in the name of respondents No.1 and 2, who are the plaintiffs in the suit and to bring the same on the next date of hearing.

It is made clear that in case the said demand drafts are not produced on the next of date of hearing, the present revision petition would be liable to be dismissed.

To be taken up in the urgent list.”

3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, today, he has brought the two demand drafts amounting to Rs.25,000/- each prepared in the name of respondent Nos.1 and 2 who are the plaintiffs in the suit and has handed over the same to counsel for respondent Nos.1 and 2. Learned counsel for respondent Nos.1 and 2 has reaffirmed the said fact.

4. Learned counsel for the petitioner has prayed for one opportunity to cross-examine the witnesses who have already been cross-examined and also to participate in the proceedings.

5. Learned counsel appearing on behalf of respondent Nos.1 and 2 has submitted that in case only one last opportunity is granted to the petitioner to cross-examine the witnesses and to participate in the proceedings and the petitioner is put to strict terms in not delaying the proceedings any further, he has no objection in case the present petition is allowed.

6. Keeping in view the abovesaid facts and circumstances and the fact that the petitioner has complied with the order dated 11.09.2024 passed by this Court and has brought two demand drafts amounting to Rs.25,000/- each prepared in the name of respondent Nos.1 and 2 on account of compensation in view of the delay caused in the proceedings on account of his absence and the fact that the same has been accepted by learned counsel for respondent Nos.1 and 2, the present revision petition is allowed and orders dated 26.07.2024 (Annexure P-13) and dated 30.11.2023 (Annexure P-9) are set aside and the petitioner is granted liberty to cross-examine the witnesses of the respondents-plaintiffs who have already been examined and also who are to be examined in future and also to join the proceedings. The trial Court would give a date to the witnesses of the plaintiffs who have already been examined to appear in the Court for the purpose of said cross-examination. The petitioner would cross-examine the said witnesses without any delay and only one effective opportunity would be granted to the petitioner to cross-examine each of the said witnesses. The petitioner through his counsel would keep appearing in the matter and would fully assist the Court in expeditious disposal of the case.

16.09.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**