

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

141

2024:PHHC:017214

**CR-5098-2022 (O&M)
Date of decision: 07.02.2024**

RAJINDER KUMAR

..Petitioner

Versus

BHIM SAIN

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Varun Mittal, Advocate
& Mr. Rishab Jain, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The plaintiff (petitioner herein) has filed suit for recovery of Rs.6,67,500/- along with the interest against the defendant (respondent herein). His evidence has been closed by the Court by impugned order on the ground that the petitioner has already availed as many as 12 effective opportunities. The learned counsel representing the petitioner submits that in fact the petitioner was granted 7 to 8 opportunities, however, on 12.10.2022, the petitioner's brother was diagnosed with dengue fever and therefore, the petitioner could not produce the evidence. He wishes to examine Sh. Hem Raj in whose presence, the alleged amount was paid to the defendant.

2. On the other hand, the learned counsel representing the respondent submits that the medical certificate produced by the petitioner does not show any hospitalization. He submits that it has been issued by a private doctor.

3. The suit was filed in the year 2020.

4. Due to the Covid-19 pandemic, the working of the Courts was compromised for sufficiently long time.

5. The plaintiff has filed a suit for recovery. There is no reason for him to delay the proceedings of the case as he will not get any benefit.
6. It is a well known legal principle that the rules or procedures are handmaids of justice. These rules or procedures are required to be interpreted in order to advance the cause of justice rather than defeating it on technical grounds.
7. Keeping in view the aforesaid facts, the revision petition is allowed.
8. The trial Court is requested to grant one opportunity to the petitioner to examine Sh. Hem Raj, subject to payment of cost of Rs.1,000/-, to be paid to the respondent.
9. This Court has been informed that the next date of hearing is 23.04.2024, for awaiting High Court order.
10. The learned counsel representing the petitioner submits that the aforesaid witness can be examined within a period of 15 days.
11. In view of the aforesaid fact, the trial Court is requested to fix a date for recording the deposition of the aforesaid witness by appointing a local commissioner.
12. All the pending miscellaneous applications, if any, are also disposed of.

February 07th, 2024

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(ANIL KSHETARPAL)
JUDGE

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