

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

CR-9321-2025**Date of decision: 22.12.2025****Maruti Suzuki India Ltd.**

. . . . Petitioner

Vs.**Katar Singh**

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Amit Jhanji, Sr. Advocate, with
Mr. Gursher Bhandal and Ms. Kudrit Kaur Sara, Advocates,
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner has invoked the extraordinary jurisdiction of this Court for setting aside the order dated 10.11.2025 (Annexure P-7), whereby the learned Labour Court rejected the petitioner's application seeking recall of the earlier order dated 01.09.2025, by which the cross-examination of PW-1 Katar Singh (workman) was ordered to be treated as *Nil*.

2. The respondent-workman was terminated from service by the petitioner-management on account of his alleged involvement in a major incident of violence and arson that took place at the petitioner's Manesar plant in July 2012. An industrial dispute was raised thereafter, which has been pending adjudication since 2016 before the learned Labour Court-II, Gurugram.

3. A perusal of the record reveals that PW-1 Katar Singh appeared before the Labour Court on 07.08.2025. However, his cross-examination could not be conducted as the learned Senior Advocate appearing for the petitioner-management could not attend the proceedings due to illness. The matter was adjourned to 01.09.2025 with a clear stipulation that it was being granted as a *last opportunity* and that in case the opportunity was not

availed, the evidence would be deemed to have been closed. On the adjourned date, i.e., 01.09.2025, the authorised representative of the petitioner-management again failed to cross-examine PW-1. Consequently, the learned Labour Court closed the claimant's evidence by treating the cross-examination of PW-1 as *Nil*.

4. An application was thereafter filed by the petitioner seeking recall of the said order, contending that the Senior Advocate, Shri M.M. Kaushal, could not conduct the cross-examination due to serious illness and were praying for one effective opportunity to cross-examine PW-1. Though the authorised representative of the respondent-workman recorded *no objection* to the said prayer, the learned Labour Court dismissed the application by the impugned order dated 10.11.2025.

5. Assailing the impugned order, learned Senior Counsel for the petitioner submits that the right of cross-examination is an integral facet of principles of natural justice and denial thereof would cause serious prejudice to the petitioner-management. It is further urged that the illness of the Senior Advocate was a bona fide circumstance beyond the petitioner's control and that refusal to permit cross-examination would materially affect the defence of the management, particularly when the adjudication of the present dispute is likely to have a cascading effect on nearly 350 similarly placed matters pending between the parties.

6. There can be no dispute with the proposition that procedural discipline and expeditious disposal of industrial disputes are matters of considerable importance. Equally well settled, however, is the principle that procedure is the handmaid of justice and not its mistress. Cross-examination of a witness, especially the workman himself, is not a mere formality but a substantive right, denial whereof may result in serious prejudice and may ultimately vitiate the adjudication.

7. In the present case, this Court does not find any patent illegality or perversity in the impugned order, as the learned Labour Court had granted

sufficient opportunity and had specifically cautioned the petitioner regarding the consequences of non-utilisation of the same. It is also evident that the petitioner-management failed to make any alternative arrangement for cross-examination despite knowledge of the illness of its Senior Counsel.

8. However, the matter cannot be examined in isolation. The record shows that the request for recall was supported by a bona fide explanation, and the respondent-workman had raised no objection to the grant of one opportunity, and the dispute itself has serious ramifications, not only for the parties but also for a large number of similarly situated cases. In such circumstances, refusal to grant even a single opportunity may result in miscarriage of justice outweighing the procedural lapse.

9. Therefore, this Court is of the considered view that the ends of justice would be better served by granting one final and strictly regulated opportunity to the petitioner to cross-examine PW-1, while at the same time compensating for the delay and inconvenience caused to the respondent and ensuring that the proceedings are not protracted further.

10. Accordingly, the present petition is disposed of with a direction to the learned Presiding Officer of the concerned Labour Court to afford one effective opportunity to the petitioner-management to conduct the cross-examination of PW-1 Katar Singh, on a date to be fixed by the Labour Court. This indulgence is made subject to the petitioner depositing a sum of ₹25,000/- as costs with the District Legal Services Authority, Gurugram. Deposit of the aforesaid costs shall be a condition precedent for availing the opportunity of cross-examination. It is made clear that no further opportunity shall be granted on any ground whatsoever.

22.12.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>