

(2010) 11 P&H CK 0407

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 7514 of 2010 (O and M)

Navjot Singh and Another

APPELLANT

Vs

Smt. Kawaljit Kaur and Another

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Citation : (2010) 11 P&H CK 0407

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Judgement

Alok Singh, J.—Present petition is filed challenging the order dated 27.9.2010 passed by Civil Judge (Junior Division), Patti, whereby evidence of the Defendants was directed to be closed in the absence of DW1 for the cross-examination.

2. Learned Counsel for the Defendants/Petitioners states that on the date either fixed by this Court or by the learned Trial Court, all the witnesses shall be produced before the learned Trial Court for examination/cross-examination and no further adjournment shall be sought.

3. Learned Single Judge of this Court in the matter of Prem Lata v. Ram Sarup 2005(4) RCR 423 placing reliance on judgment of the Division Bench of this Court in the matter of Batala Machine Tools Workshop Co-op. v. Presiding Officer, Labour Court, Gurdaspur has held that matter can be disposed of at the stage of admission without any notice to the opposite party, because if the Respondent is summoned to contest this litigation, it may involve huge expenditure and unnecessary harassment and delay of the proceedings.

4. In the opinion of this Court, present matter can be disposed of at the admission stage without any notice to the Respondents. This Court is of the further opinion that issuing notice to the Respondents shall cause unnecessary delay in the disposal of the matter pending before the learned Trial Court, hence, this Court proposes to decide this petition without notice to the Respondents.

5. Considering all the facts and circumstances of the case and keeping in mind, the golden rule that none should be given walk over and lis between the parties, as far as possible, should be decided at its own merit after affording sufficient opportunities to both the parties to place on record entire evidence and material, this Court direct that learned Trial Court shall fix a date for the purpose of Defendants' evidence. On the date so fixed, Defendants/Petitioners shall produce all the witnesses before the learned Trial Court for examination/cross-examination. If, for any reason, examination/cross-examination is not complete on the date so fixed, then learned Trial Court shall be at liberty to hold day-to-day trial or fix any future date, which is convenient to the Court. However, it is made clear that no further adjournment shall be granted to the Defendants/Petitioners. Petitioners shall pay Rs. 5,000/-as costs to the Respondents herein before the next date so fixed by the learned Trial Court.

6. If Respondents feel aggrieved from this order, they shall be at liberty to move this Court for recalling of the order.

7. Petition shall stand disposed of accordingly.