

**Amritsar Improvement Trust Amritsar Vs. Amritsar Improvement Trust Amritsar**

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**SooperKanoon Citation :** [sooperkanoon.com/1059888](http://sooperkanoon.com/1059888)

**Court :** Punjab and Haryana

**Decided On :** May-29-2013

**Appellant :** Amritsar Improvement Trust Amritsar

**Respondent :** Amritsar Improvement Trust Amritsar

**Judgement :**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CR No.3534 of 2013. Date of Decision:

29. 5.2013 Amritsar Improvement Trust Amritsar .... Petitioner Versus The State of Punjab and others .... Respondents CORAM: HON'BLE MR. JUSTICE NAWAB SINGH Present: Mr. R.S. Modi, Advocate, for the petitioner. NAWAB SINGH.J (ORAL) By filing this petition, Amritsar Improvement Trust Amritsar has challenged the order dated February 12th, 2013 passed by Additional Civil Judge (Senior Division), Amritsar whereby cross-examination of Mani Ram (PW-2) one of the plaintiffs was treated nil. For ready reference, order is reproduced:- The previous zimni order is not correct worded. PW2 is present for his cross examination. But he is not being cross examined despite calling under one pretext or the other since morning. Accordingly cross examination of PW2 is treated nil. Opportunity given. not the case is adjourned to 20.2.2013 for remaining evidence of the plaintiff.

2. The first line of the impugned order is The previous zimni order is not correct worded.. The previous order has been perused by this Court which reads as under:- No PW is present. On request case is adjourned to 12.2.13 for evidence of plaintiff.

3. It is not understandable as to how this observation was made by the trial Judge that previous order dated January 21st, 2013 was not correctly worded.

4. Learned counsel for the petitioner has, inter-alia, urged that counsel for the petitioner requested for an adjournment CR No.3534 of 2013 (2) on the ground that PW-2 could not have been cross-examined without record of the Improvement Trust which was not available on that date. Oral request to this effect was made to the Presiding Officer but that was not accepted. The case was adjourned to February 20th, 2013 for recording evidence of the plaintiff.

5. In considered opinion of this Court, when the case was adjourned for recording evidence of the plaintiff, the trial Judge ought to have allowed PW-2 to be cross-examined on the next date of hearing instead of treating his cross-examination as nil.

6. In view of above, revision is accepted. Order under challenge is set-aside. The petitioner is accorded one opportunity to cross-examine Mani Ram (PW-2) on the next date of hearing. In case the witness does not appear, he shall be summoned through process of the Court.

7. This petition is disposed of without issuing notice to the respondents with a view to impart substantive justice to the parties and to save the huge expenses, which may be incurred by the respondents as also in order to avoid unnecessary delay in adjudication of the matter. Still, if dissatisfied, the respondents may move this court for recalling this order. 29.5.2013 (NAWAB SINGH) SN JUDGE

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