courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 03/11/2025

(2011) 09 P&H CK 0179

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 5293 of 2011 (O and M)

Kamalpreet Singh	APPELLANT
Vs	
Union of India (UOI) and Another	RESPONDENT

Date of Decision: Sept. 1, 2011

Acts Referred:

- Constitution of India, 1950 - Article 227

Citation: (2011) 09 P&H CK 0179

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Ram Chand Gupta, J.

C.M. No. 21221-CII of 2011

1. Application is allowed subject to all just exceptions.

Civil Revision No. 5293 of 2011

2. Petitioners have invoked supervisory jurisdiction of this Court under Article 227 of the Constitution of India for setting aside order dated 24.9.2010, Annexure P3, passed by learned Civil Judge, (Junior Division), Amritsar, vide which evidence of Petitioners-Plaintiffs has been closed.

3. I have heard learned Counsel for the Petitioners and have gone through the whole record carefully including the impugned order passed by learned trial Court.

4. It has been contended by learned Counsel for the Petitioners that one of the Petitioners-Plaintiffs, i.e., Petitioner No. 2-Ravi Pal Singh is to be cross-examined and

that No. other evidence is to be adduced by Petitioners-Plaintiffs except tendering of some documents, which are per se admissible in evidence.

5. Hence, in view of these facts, one opportunity can be granted to the Petitioners-Plaintiffs for this purpose and the other party can be compensated by way of cost.

6. Hence, the present revision petition is accepted. Impugned order is set aside. Learned trial Court is directed to grant one opportunity to produce Petitioner No. 2-Ravi Pal Singh for the purpose of cross-examination so that his statement be read in evidence and tender the documents, which are per se admissible in evidence subject to payment of Rs. 5,000/-as cost, which shall be a condition precedent.

7. Disposed of accordingly.

8. However, at this stage, No. notice is being issued to the opposite party, because if the Respondents are summoned to contest this litigation, it may involve huge expenditure and unnecessary harassment and delay of the proceedings. For this view, reliance can be placed upon a Division Bench judgment of this Court rendered in Batala Machine Tools Workshop Co-op v. Presiding Officer, Labour Court, Gurdaspur, CWP No. 9563 of 2002, decided on 27.6.2002, wherein it was observed as under:

We are conscious of the fact that the instant order is detrimental to the interest of the Respondent-workman. We are also conscious of the fact that No. notice has been given to the Respondent-workman before the instant order has been passed. The reasons for not issuing notice to the Respondent workman is to ensure that he does not have to incur unnecessary expenses in engaging counsel to appear on his behalf in this Court. The instant order by which the present petition is being disposed of fully protects the interest of the Respondent-workman inasmuch as the amount determined by the Labour Court, Gurdaspur, by its order dated 22.5.2002 has been required to be deposited by the Petitioner-Management before the Labour Court/Labour-cum-Conciliation Officer, Gurdaspur.

9. However, liberty is granted to the Respondents to get this revision petition revived if they feel dissatisfied with this order.