



CR-6645-2025 (O&M)

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

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**CR-6645-2025 (O&M)
Decided on :- 19.09.2025**

Jashanpreet Kaur and Another

...Petitioners

VERSUS

Simranjeet Singh and Another

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

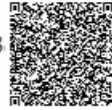
Present: Mr. Dhananjai Rana, Advocate for the petitioners.

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MANDEEP PANNU J.

1. The present civil revision petition under Article 227 of the Constitution of India has been directed against the order dated 11.09.2025 passed by the learned Additional Principal Judge, Family Court, Sangrur, whereby the opportunity of the petitioners to cross-examine DW1 Nachhatar Kaur, DW2 Gurcharan Singh, and DW3 Simranjeet Singh has been treated as nil.

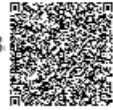
2. The brief facts necessary for disposal of the present revision are that the petitioners/plaintiffs filed a suit for fixation of maintenance and for declaration and permanent injunction to the effect that charge of maintenance be created upon the share of defendant no.1 in the suit property. After completion of pleadings, issues were framed and the plaintiffs led and concluded their evidence. The matter was thereafter fixed for defendants' evidence. On earlier dates, no witnesses were present, but on 11.09.2025, three defence witnesses namely DW1 Nachhatar Kaur, DW2 Gurcharan Singh, and DW3 Simranjeet Singh appeared and their examination-in-chief was recorded before the Local Commissioner. On that date, a



request was made by proxy counsel for the plaintiffs for adjournment on the ground that the regular counsel, who belongs to another district, was not available on account of flood-like conditions in Punjab. The said request was declined and by the impugned order the learned Additional Principal Judge observed in a single line that “keeping in view the facts and circumstances” the opportunity to cross-examine the defence witnesses stood treated as nil.

3. Learned counsel for the petitioners has argued that the impugned order has caused serious prejudice inasmuch as the petitioners have been denied their valuable right to cross-examine the defence witnesses, which goes to the root of fair trial. It is submitted that the absence of the regular counsel was not deliberate or intentional but due to circumstances beyond control, and a request was made by the proxy counsel to adjourn the matter. It is urged that without considering this genuine request, and without recording any reasons or factual basis, the learned Family Court has closed the opportunity to cross-examine, thereby causing manifest injustice.

4. After hearing learned counsel and on perusal of the record, I find merit in the submission. It is well settled that cross-examination is a valuable right of the opposite party and denial of the same without just cause strikes at the root of due process. The impugned order does not contain any discussion or speaking reasons as to why the request for adjournment was declined, nor does it reflect any finding that the petitioners were adopting dilatory tactics or that the witnesses had been coming repeatedly without being cross-examined. On the contrary, the record shows that on the very first date when the defence witnesses tendered their examination-in-chief before the Local Commissioner, the regular counsel for the petitioners was not available and a request for adjournment was made. In such



circumstances, the closure of the opportunity in a summary manner amounts to denial of fair opportunity and has resulted in grave injustice to the petitioners.

5. The exercise of supervisory jurisdiction under Article 227 is intended precisely to correct such jurisdictional errors and procedural irregularities which cause prejudice and failure of justice. The impugned order, having been passed without application of mind and without affording effective opportunity to the petitioners, cannot be sustained.

6. Accordingly, the civil revision petition is allowed. The impugned order dated 11.09.2025 passed by the learned Additional Principal Judge, Family Court, Sangrur is set aside. The petitioners are granted an opportunity to cross-examine DW1 Nachhatar Kaur, DW2 Gurcharan Singh, and DW3 Simranjeet Singh on a date to be fixed by the learned trial Court. The trial Court shall thereafter proceed with the matter expeditiously in accordance with law.

7. Pending application(s), if any, also stand disposed of.

September 19, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No