



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

126

CR-2899-2025 (O&M)

Date of Decision : 20.05.2025

SURINDER KUMAR SINGAL

... Petitioner

VERSUS

DYNASTY BUILDWELL PVT LTD AND ORS

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Manish Pratap Rana, Advocate
for respondents No.1, 2 and 28.

ALKA SARIN, J. (ORAL)

1. Mr. Manish Pratap Rana, Advocate has appeared and has filed his memorandum of appearance on behalf of respondents No.1, 2 and 28 which is taken on record.
2. Learned counsel for the petitioner states that respondents No.1 and 2 are the only contesting respondents.
3. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 26.03.2025 (Annexure P-2) passed by the learned Civil Judge (Junior Division), Kharar vide which cross-examination of DW-1, namely, Dinesh Kumar was treated as 'nil'.
4. Learned counsel for the plaintiff-petitioner would contend that given one opportunity the plaintiff-petitioner would conduct the cross-examination of DW-1 and that the plaintiff-petitioner is also willing to compensate the defendant-respondents by way of costs.

5. *Per contra*, learned counsel for defendant-respondents No.1, 2 and 28 would contend that the cross-examination was rightly treated as 'nil' as the witness was not being cross-examined by the learned counsel for the plaintiff-petitioner.

6. Heard.

7. In the present case the suit is for specific performance of agreement dated 19.09.2010 stated to have been executed by defendant-respondents No.1 and 2 in favour of the plaintiff-petitioner. Grave injustice would be occasioned to the plaintiff-petitioner in case he is not permitted to cross-examine DW-1. In order to do complete justice between the parties, this Court deems it fit to grant one effective opportunity to the plaintiff-petitioner to cross-examine the witness DW-1.

8. In view of the above, the impugned order dated 26.03.2025 is set aside and the plaintiff-petitioner is granted one effective opportunity to cross-examine DW-1 Dinesh Kumar subject to payment of ₹30,000 (rupees thirty thousand) as costs to be paid to defendant-respondents No.1 and 2 proportionately. The payment of costs shall be a condition precedent. The Trial Court is requested not to grant any unnecessary adjournment to either of the parties.

9. The present revision petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

20.05.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE