

2025:PHHC:042982



2025:PHHC:042986



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

**242**

**CR-6038-2023 (O&M)**

**Date of Decision: 28.03.2025**

**VIPIN KUMAR**

**.....Petitioner**

**Vs.**

**PARVEEN JAIN AND ANR**

**.....Respondents**

**2.**

**CR-5503-2024 (O&M)**

**VIPIN KUMAR JAIN**

**.....Petitioner**

**Vs.**

**PARVEEN JAIN AND ANR**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:** Mr. Rohit Aggarwal, Advocate  
for the petitioner.

Mr. Sandeep K. Sharma, Advocate and  
Ms. Saroj Kumari, Advocate  
for the respondents.

**\*\*\*\*\***

**DEEPAK GUPTA, J. (ORAL)**

**CR-6038-2023**

Mr. Rohit Aggarwal, Advocate has appeared and filed his power of attorney on behalf of the petitioner, which is taken on record.

Statement is made by learned counsel for the petitioner (*defendant before the trial Court*) to the effect that he wishes to withdraw CR-6038-2023. However, prayer is made in CR-5503-2024 to provide one opportunity to the petitioner-defendant to cross examine the witnesses who were earlier examined by the plaintiff as the opportunity to cross examine them by petitioner-defendant has been treated by the trial Court as NIL.

In view of the aforesaid statement, the present civil revision is hereby disposed of having been withdrawn.

**CR-6038-2023 (O&M)**  
**CR-5503-2024 (O&M)**

-2-

2025:PHHC:042982



2025:PHHC:042986



**CR-5503-2024**

Challenge was given to the order dated 12.08.2024 (Annexure P-1), whereby the trial Court treated the cross examination of two Pws namely Parveen Jain and Parduman Kumar as NIL as counsel for the defendant did not cross examine them on the ground that he (defendant) had preferred a revision before this Court in the connected matter.

Today, it has been informed that now the case is fixed before the trial Court for defendant's evidence and that no evidence on behalf of the defendants have been produced so far.

Without going into merits of the case and considering the fact that dispute is between three real brothers regarding Will of their mother, the aforesaid request as made by counsel for the petitioner is accepted. Setting aside the order dated 12.08.2021 (Annexure P-1), trial Court is directed to permit one opportunity to the petitioner-defendant to cross examination both the witnesses of the plaintiffs namely Parveen Jain and Parduman Kumar. The trial Court shall fix a specific date for that purpose. Learned counsel for respondents-plaintiffs has undertaken that on the date to be fixed by the trial Court, both these witnesses shall be produced subject to their health permitting to do so.

The abovesaid order is however, subject to cost of ₹25,000/- which is to be paid by the petitioner to both the respondents equally, by way of demand draft. The said cost is to be paid prior to the date which is to be fixed by the trial Court for cross examination of the witnesses.

Disposed of.

A photocopy of this order be placed on the file of connected case.

**28.03.2025**

pry

Whether speaking/reasoned

:

**( DEEPAK GUPTA )**

**JUDGE**

Yes/No

Whether reportable

:

Yes/No