



CR-4646-2025 (O&M)

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

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**CR-4646-2025 (O&M)
Decided on :- 11.09.2025**

Sudhira Devi and Others

....Petitioners

VERSUS

Rajveer Singh

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Naveen Bawa, Advocate for the petitioners.

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MANDEEP PANNU J.

1. The present revision petition has been preferred against the impugned order dated 02.01.2025 passed by the learned Civil Judge, Junior Division, Ludhiana, whereby opportunity to petitioner No.1 to cross-examine the witnesses, has been treated to be Nil.

2. Learned counsel for the petitioners/defendants would contend that the respondent-plaintiff preferred a suit for possession by way of specific performance of the agreement to sell dated 01.10.2020 and further a decree for declaration to the effect that the sale deed allegedly executed by petitioner No.1 in favour of petitioner Nos. 2 and 3 is illegal, null and void. Upon notice, petitioners have filed their written statement and vide order dated 10.07.2023 issues were framed and the case was adjourned to 08.08.2023 for the evidence of the respondent-plaintiff. On 15.03.2024, PW1 and PW2 came present, but on the request of petitioner No.1, the case was adjourned to 25.04.2024 for cross-examination of plaintiff witnesses. Thereafter on various dates plaintiff witnesses were not appeared and ultimately on 02.01.2025, the impugned order was passed whereby the opportunity to defendant-petitioner No.1 to cross-examine the witnesses has been treated as Nil.



3. Learned counsel further submits that it was the plaintiff witnesses who were not appearing for their cross-examination about last so many dates even after imposing of the costs. There is no fault of petitioners. He, however, prays that the impugned order be set aside and the petitioners/defendants be given one opportunity to cross-examine the plaintiff witnesses.

4. I have heard learned counsel for the petitioners and gone through the record of the case in hand.

5. The short question that arises for consideration in this revision petition is whether the learned trial Court was justified in closing the right of the defendant to cross-examine the plaintiff's witnesses. It is well settled that cross-examination is a valuable right flowing from the principles of natural justice, as it is the most effective mode of testing the veracity of a witness. Denial of such right would amount to denial of fair opportunity and, in effect, denial of fair trial, which is the foundation of administration of justice. The Courts in catena of judgments have held that a litigant should not suffer irreparable prejudice on account of a technical lapse or inadvertence, particularly when the matter can be compensated by costs.

6. In the present case closing of the defendant's right to cross-examine the plaintiff witnesses has resulted in serious prejudice to the defence. This Court is, therefore, of the considered view that in the interest of justice, and to uphold the principles of natural justice, the impugned order deserves to be set aside.

Conclusion

7. Resultantly, keeping in view the contention of learned counsel for the petitioners, the revision petition is allowed. The impugned order dated 02.01.2025 passed by the learned trial Court is set aside. The defendant is granted one



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effective opportunity to cross-examine the plaintiff's witnesses subject to payment of costs of Rs.5000/- to be deposited before the trial Court on or before the next date fixed. It is made clear that failing to cross-examine the plaintiff witnesses in terms of this order, the petitioners would not be entitled to any further opportunity for the said purpose and the trial Court would proceed with the matter without this order having any bearing on trial.

8. The revision petition is allowed in the aforesaid terms.
9. Pending application(s), if any, also stand disposed of.

September 11, 2025
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(MANDEEP PANNU)
JUDGE

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