



CR No. 6979 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6979-2025 (O&M)
Decided on : 29.09.2025

Paramjit Singh

.....Petitioner

Versus

Jatinder Kumar & Anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:** Mr. Chandan Gulati, Advocate,
for the petitioner.**DEEPAK GUPTA, J.**

The petitioners herein are the defendants before learned Civil Judge (Jr. Divn.), Garhshankar in civil suit No. CS-457 of 2014 titled *Jatinder Kumar Vs. Paramjit Singh & Ors.* They are aggrieved by order dated 19.09.2025 (Annexure P-5), whereby trial Court has permitted the cross-examination of PW4 Jatinder Kumar, despite the fact that plaintiff-respondent had already closed his evidence in 2019 itself.

2. As is borne out from records, statement of PW Jatinder Kumar was recorded on 13.02.2019. He was further recalled for cross-examination on 13.05.2019, then on 29.08.2019 and then on 03.09.2019. In the last paragraph of cross-examination of the witness conducted on 03.09.2019, it was endorsed by the Court that counsel for defendant had made request to direct the witness to produce the site plan and the agreement alleged to be executed with Ajmer Singh. That request was allowed by the Court and witness was directed to bring the said documents and as such, further cross-examination of the witness was deferred, at the request of counsel for the defendants i.e. petitioners herein.

3. However, in the *zimni* order dated 03.09.2019 it was mentioned that PW Jatinder Kumar is present and cross-examined completely and the plaintiff then closed his evidence on 04.11.2019.



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4. Application was moved by the plaintiff-respondent herein under Section 151 CPC seeking permission for further cross-examination of PW Jatinder Kumar by submitting that it is after reading the *zimni* order dated 03.09.2019 that plaintiff considered that statement of PW Jatinder Kumar has been concluded and so evidence of plaintiff was closed. However, at the time of inspection of record, it was noticed that factually statement of PW Jatinder Kumar was not completed and had been deferred. The Court accepted this request of the plaintiff-respondent vide the impugned order dated 19.09.2025 (Annexure P-5), which is assailed before this Court.

5. It is contended by learned counsel that it was for the plaintiff to see in case any of his witness was left to be cross-examined and once plaintiff himself has concluded his evidence on 04.11.2019, he cannot be permitted to further cross-examine PW Jatinder Kumar.

6. This Court does not find merit in the contention. It was fault of the Court, who in its order dated 03.09.2019 mentioned that PW4 Jatinder Kumar has been examined completely. It is under this misconception that counsel for plaintiff closed the evidence on 04.11.2019. A party cannot be penalized for the fault of the Court. The Court is within its power to rectify the wrong while administering the justice and for that purpose inherent powers of the Court can always be invoked to do the complete justice.

7. In the aforesaid factual position, this Court does not find any illegality or perversity in the impugned order. Holding the present revision petition to be devoid of any merit, the same is hereby dismissed.

29.09.2025

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**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No