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

CR-6657-2024 (O&M)

Date of Decision : 08.10.2025

INDER SAIN

.... Petitioner

VERSUS

BHOOP RAM

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Robin Dutt, Advocate for the petitioner.

Mr. Sandeep Kumar Yadav, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.10.2024 passed by the learned Additional Civil Judge (Senior Division), Fazilka.

2. On 14.11.2024 the following order was passed :

'Learned counsel for the petitioner would contend that on 12.08.2024 the witness Mahinder Kumar and the plaintiff-petitioner had come present in Court for their cross-examination but their cross-examination was not carried out on the request of counsel for the defendant-respondent and they were bound down for 04.09.2024. On 04.09.2024 the cross-examination of the plaintiff-petitioner was partly conducted and his further cross-examination was deferred

to 20.09.2024. On 20.09.2024, again the plaintiff-petitioner was partly cross-examined and his further cross-examination was deferred to 27.09.2024. On 27.09.2024 none was present and the case was adjourned for evidence of the plaintiff-petitioner to 04.10.2024. Again on 04.10.2024 none was present and the case was adjourned to 11.10.2024. On 11.10.2024 the Officer was on leave and the matter was put up on 18.10.2024. On 18.10.2024 cross-examination of the plaintiff-petitioner was completed. No other PW was present and the case was adjourned to 29.10.2024. Learned counsel for the petitioner would further contend that on 29.10.2024 though PW2 was present and examined, however, evidence of the plaintiff-petitioner was closed. It is further the contention that only one witness needs to be examined, who could not appear on 29.10.2024 due to some family circumstances. Learned counsel for the petitioner would further contend that given one opportunity the plaintiff-petitioner would conclude his entire evidence at his own risk and responsibility and that he is willing to compensate the respondent by way of costs.

Notice of motion, returnable 16.12.2024. Dasti as well.

The petitioner is at liberty to serve the respondent through the counsel representing him before the Court concerned.

The proceedings before the Trial Court shall remain stayed till the next date of hearing.

To be shown in the urgent list'.

3. Learned counsel for the plaintiff-petitioner today again reiterates that given one opportunity the plaintiff-petitioner would conclude his entire evidence at his own risk and responsibility and that the plaintiff-petitioner is also willing to compensate the defendant-respondent by way of costs.

4. Learned counsel for the defendant-respondent would contend that only cross-examination of the witness, namely, Mahinder Kumar remains and that despite 11 opportunities the said witness did not come forward for his cross-examination and as such no fault can be found with the impugned order.

5. Heard.

6. In the present case the plaintiff-petitioner is seeking one opportunity to conclude his evidence and to cross-examine one of the witnesses, namely, Mahinder Kumar. No doubt plaintiff-petitioner herein has been remiss in not concluding his evidence, however, keeping in view the totality of circumstances and in order to do complete justice between the parties and as also the fact that the suit is for recovery, this Court deems it appropriate to grant one opportunity to the plaintiff-petitioner to present the said witness for his cross-examination at his own risk and responsibility.

7. In view thereof, the present revision petition is allowed, and one effective opportunity is granted to the plaintiff-petitioner to present the aforesaid witness for his cross-examination at his own risk and responsibility

subject to payment of ₹30,000 (rupees thirty thousand) as costs to be paid to defendant-respondent. The payment of costs shall be a condition precedent.

8. Pending applications, if any, also stand disposed off.

08.10.2025
Aman Jain

(ALKA SARIN)
JUDGE

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