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

CR-1024-2025 (O&M)
Date of decision: 06.03.2025

Swaran Singh @ Chhanu Singh ...Petitioner

Versus

Prem Lata and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. M.S. Saini, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 17.12.2024 (Annexure P-2) passed by the Civil Judge (Senior Division), Fatehabad and further directing the respondents to supply the documents, photographs, pendrive as tendered and other documents which have been tendered by the respondents.

2. On 27.02.2025, this Court had passed the following order:-

“Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Inter alia, contends that in the present case, alongwith affidavit (Annexure P-3) submitted by the witness Rajesh Gera, several documents have been referred to but however copy of the same have not been supplied and the petitioner requires the said documents for effective cross-examination of the said witness. It is submitted that for the inconvenience caused to the said witness i.e. Rajesh Gera, the petitioner is ready to pay the costs of Rs.20,000/- to the said witness, who is plaintiff No.2 in the suit.



Notice of motion for 06.03.2025.

Notice re: stay as well.

Liberty is granted to the petitioner to serve respondents No.1 to 4 through dasti process as well as through the counsel appearing for them before the trial Court.

Petitioner is directed to bring a demand draft of an amount of Rs.20,000/- as costs, in the name of respondent No.2, on the next date of hearing.

It is made clear that in case the said demand draft prepared in the name of respondent No.2 is not produced by the petitioner on the next date of hearing, then, the present revision petition would be liable to be dismissed.

To be taken up in the urgent list.”

3. Learned counsel for the petitioner has submitted that in pursuance of the above said order, the petitioner has brought the demand draft amounting to Rs.20,000/- prepared in the name of respondent No.2 as costs, today in the Court which has been handed over to learned counsel for respondent No.2, which fact has been reaffirmed by learned counsel for respondent No.2.

4. Learned counsel for the petitioner has submitted that one effective opportunity be granted to the petitioner to cross-examine the said PW-Rajesh Gera after the documents which have been tendered by him in his examination-in-chief are supplied to the petitioner.

5. Learned counsel for respondent No.2 has submitted that since the said PW-Rajesh Gera has to come from Pune and since, presently he is here, thus, in case any opportunity is to be granted to the petitioner then the petitioner be directed to cross-examine the said PW-Rajesh Gera on 10.03.2025 which is the next date of hearing before the trial Court. It is submitted that the documents as stated in the examination-in-chief of the said



PW-Rajesh Gera would be supplied to the counsel for the petitioner before the trial Court on or before 07.03.2025.

6. Keeping in view the above said facts and circumstances and the fair stand taken by learned counsel for the petitioner and learned counsel for respondent No.2 and also the fact that PW-Rajesh Gera has been adequately compensated, the present revision petition is partly allowed and the order dated 17.12.2024 (Annexure P-2) is set aside with the following observations/directions:-

- i) The respondents through their counsel would supply the copy of the documents which have been produced by the witness-Rajesh Gera in his examination-in-chief to the petitioner through his counsel before the trial Court on or before 04:00 pm of 07.03.2025.
- ii) Learned counsel for respondent No.2 undertakes that the said PW-Rajesh Gera would appear before the trial Court on 10.03.2025. The petitioner is granted one effective opportunity to cross-examine the said PW-Rajesh Gera on 10.03.2025. The trial Court is requested to complete the cross-examination of the said PW-Rajesh Gera on the said date or on the next date i.e., 11.03.2025 in case of reasons beyond control, the evidence of the said PW-Rajesh Gera is not completed on 10.03.2025.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No