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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(129)

CR-409-2025

Date of Decision: - 23.01.2025

Sharanjit Singh

....Petitioner

Versus

Bhag Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amardeep Singh Gill, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.12.2024 (Annexure P-11) passed by the Civil Judge (Jr. Division), Jalandhar, vide which the opportunity of cross-examining of PW-2 and PW-3 has been declared as 'Nil'.

2. Learned counsel for the petitioner has submitted that in the present case, the respondents No.1 to 4 had filed a suit for partition with respect to the property in question on 16.12.2021, to which a written statement was filed by the present petitioner and the issues were framed on 22.03.2024 and thereafter, the case was adjourned to 10.05.2024 for evidence of the respondents No.1 to 4/plaintiffs. It is submitted that on 10.05.2024, no PW was present and thereafter, even on 18.07.2024 no PW was present and thus, cost of Rs.100/- was imposed on them. Even on the subsequent date, i.e., 31.08.2024, no PW was present and it was

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only on 21.10.2024 that three witnesses of the plaintiffs appeared for the first time and tendered their evidence and the matter was adjourned to 20.12.2024 for cross-examination of the said witnesses. It is submitted that 20.12.2024 was the first date for cross-examination but on the said date, in the presence of the counsel for the petitioner, an order was passed to the effect that there was no PW present and the case was adjourned to 20.02.2025 and the same was subject to cost of Rs.500/- to be deposited in the DLSA. It is further submitted that as is apparent from the impugned order dated 20.12.2024, the file was again taken up and two witnesses i.e., Bhag Kaur and Kamlesh Kaur were stated to have been examined and no opportunity was given to the petitioner, who is defendant No.1 in the suit, to cross-examine the said witnesses and the case was adjourned to 20.02.2025 for defendant evidence. It is submitted that from the above-said facts, it is apparent that it is the plaintiffs who were not producing their evidence and on the first date itself when the cross-examination was to be conducted, the evidence of the said witnesses was concluded without giving an opportunity to the petitioner to cross-examine them. It is submitted that since the said two witnesses are material witnesses, thus, irreparable loss would be caused to the petitioner in case one opportunity is not granted to him to cross-examine the said witnesses. It is further submitted that although the petitioner is not at fault but is still ready to pay reasonable cost for any inconvenience caused to the said witnesses.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one effective



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opportunity to cross-examine all the three witnesses i.e. Santosh (PW-1), Bhag Kaur (PW-2) and Kamlesh Kaur (PW-3) and accordingly, the present revision petition is partly allowed and the impugned order dated 20.12.2024 is set aside to the extent that the petitioner was not granted an opportunity to cross-examine and the trial Court is requested to grant one effective opportunity to the petitioner to cross-examine the said three witnesses and the same would be subject to the cost of Rs.3,000/-, to be deposited by the petitioner before the trial Court on or before 20.02.2025 and in case of his doing so, the trial Court would release the same to the said witnesses in equal proportions i.e. Rs.1,000/- each.

4. It is made clear that in case the said cost of Rs.3,000/- is not deposited by the petitioner on or before 20.02.2025, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for the respondents in order to defend the present petition. However, it would be open to the respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

January 23, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No