



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

CR-6318-2025

Date of Decision: 10.09.2025

RAJAN KUMAR

....Petitioner

Versus

DEEPAK

...Respondent

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Ranjeet K. Jaswal, Advocate  
for the petitioner.

**Parmod Goyal, J. (Oral)**

Petitioner is aggrieved by the impugned order dated 29.10.2024 (Annexure P-9), passed by the learned Civil Judge, (Junior Division), Patiala, vide which cross-examination of PW3 was treated as Nil. It is the case of petitioner that counsel for petitioner had shown his inability to cross-examine PW3 after lunch, on the ground that he was not feeling well and was unable to appear before the Court. However, despite request PW3 was examined after lunch and cross-examination was noted as Nil.

2. Learned Court of first instance vide the impugned order had duly noted the conduct of learned counsel for defendant and concluded that the request for adjournment after lunch is not justified and it is only to delay the matter and accordingly, proceeded to record statement of PW3 and treating his cross-examination as Nil as none came forward on behalf of petitioner.

3. Aggrieved by the order dated 29.10.2024, an application for recalling the said order was filed, however, the same was also dismissed vide order dated 02.05.2025 (Annexure P-10), by the Court of learned Civil



Judge (Junior Division), Patiala.

4. Learned counsel for defendant or plaintiff have no vested right to seek adjournment as per their wishes. Generally Courts are liberal in granting adjournments on showing just cause, however, while considering just cause, Courts are also bound to balance the equity between the parties and ensure that any unnecessary adjournment is declined and matter proceeds in accordance with law.

5. In the present case, PW3 is stated to be independent witness and therefore, right of defendant would be prejudiced if opportunity to cross-examine PW3 is not granted. Therefore, to balance the rights of both the parties, I find it appropriate to grant one opportunity to defendant to cross-examine PW3 on the date already fixed i.e. 18.09.2025. In case PW3 is present, cross-examination shall be conducted by defendant and no adjournment shall be granted on any account.

6. Since there is no procedural defect in the orders, therefore, one opportunity is being granted as a special case and not as a precedent, subject to cost of Rs.25,000/-. Out of the total amount Rs.5,000/- be paid to the witness and Rs.20,000/- be paid to the plaintiff, as the defendant has delayed the suit.

7. Revision Petition is accordingly disposed off. No notice is being issued to respondent, in view of the above noted facts.

10.09.2025  
chiranjeev

(PARMOD GOYAL)  
JUDGE

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No