



CR-2192-2025 (O&M)

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

(120)

CR-2192-2025 (O&M)

Date of Decision: - 30.04.2025

Anil Kumar

...Petitioner

Versus

Vinod Kumar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Lalit Kumar Narang, Advocate,
for the petitioner.

Mr. Sandeep K. Sharma, Advocate, and
Ms. Ritu Joshi Sharma, Advocate
for the respondents.

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 07.03.2025 (Annexure P-1) passed by the ACJ(SD)/SDJM, Meham, whereby the plaintiff evidence has been closed.

2. On 08.04.2025, this Court was pleased to pass the following order: -

“Inter alia, contends that the earlier revision petition filed by the petitioner was disposed of vide order dated 10.02.2025 in the following terms: -

“6. Keeping in view the abovesaid facts and circumstances and the stand taken by the learned counsel for the petitioner and the learned counsel for the respondents and also the



fact that the petitioner has compensated the respondents with an amount of Rs.20,000/-, the impugned order to the extent as indicated hereinbelow is modified and the present petition is disposed of with the following observations/ directions:-

- i) The petitioner is granted liberty to examine Parveen Kumar on his own responsibility on 07.03.2025. One effective opportunity would be granted for the said purpose.*
- ii) The petitioner would also be at liberty to examine Krishan Patwari and for the said purpose, the petitioner move an application for summoning the said Krishan Patwari within a period of 10 days from today and would deposit the diet money and all other expenses for summoning the said Krishan Patwari and on his doing so, the trial Court is directed to summon the said Krishan Patwari for 07.03.2025. The trial Court would grant one effective opportunity to the petitioner to examine Krishan Patwari with the Court assistance.*
- iii) Needless to say that due opportunity be given to the respondents to cross-examine the said witnesses.*
- iv) It is made clear that in case the petitioner does not produce the said Parveen Kumar on 07.03.2025, then no further opportunity would be granted to the petitioner. In case the application for summoning Krishan Patwari is not filed within 10 days from today, then no further opportunity would be granted to the petitioner to examine Krishan Patwari.”*

It is submitted that the petitioner had already examined Parveen Kumar as PW-11 and in pursuance of the above-said order, had moved an application on 14.02.2025 i.e. within 10 days, to summon Krishan Patwari and the diet money was also duly deposited. It is further submitted that as per the report dated 24.02.2025, the summons were shown to the said Krishan Patwari who had told that the name of the village be given so that he could produce the record. It is argued that in spite of the same, the trial Court has not directed Krishan Patwari to appear, although the petitioner had done all that was required to be done in compliance to the above-said order dated 10.02.2025.

Notice of motion for 30.04.2025.

Liberty is granted to the petitioner to serve the respondents



through dasti process as well as through the counsel appearing for them before the trial Court.

The trial Court is directed to give a date beyond the date fixed by this Court.

To be taken up in the urgent list.”

3. Learned counsel appearing on behalf of the respondents has not been able to show as to how the impugned order is in compliance with the earlier order passed by this Court.

4. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of both the parties as well as the fact that the impugned order dated 07.03.2025 is not in compliance to the order passed by this Court on 10.02.2025, the said order dated 07.03.2025 is set aside and the present revision petition is disposed of with the following directions/observations: -

(i) The petitioner would be granted liberty to examine Krishan Patwari and for the said purpose, the petitioner would move an application for summoning the said Krishan Patwari within a period of 10 days from today and would deposit the diet money and all other expenses for summoning the said Krishan Patwari and on his doing so, the trial Court is directed to summon the said Krishan Patwari, in accordance with law. The trial Court would grant one effective opportunity to the petitioner to examine Krishan Patwari with the Court assistance.

(ii) Needless to say that due opportunity would be given to the respondents to cross-examine the said witness.



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- (iii) In case the application for summoning Krishan Patwari is not filed within 10 days from today, then no further opportunity would be granted to the petitioner to examine Krishan Patwari.

April 30, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No