



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

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Civil Revision No.3276 of 2025 (O & M)

Date of decision :-27.05.2025

Saket @ Saket Rawat

.....Petitioner

Versus

M/s ISS Suppliers Pvt. Ltd. and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Nitu Kumari, Advocate for
Mr. Mohit Rathee, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 24.3.2025 (Annexure P-1) passed by the learned Civil Judge (Sr. Divn.), Sonipat, in Civil Suit No.1430 of 2016, titled as 'Saket vs. M/s ISS Suppliers etc.', vide which the application moved by the petitioner/plaintiff seeking permission for further cross-examination upon him as PW1 was dismissed.

Vide order dated 24.3.2025 (Annexure P-1) the application of the petitioner seeking permission for further cross-examination upon him as PW1 was dismissed on the following grounds as recorded in para 5 of the impugned order dated 24.3.2025 :-

“xxx xxx xxx

5. The plaintiff has filed the present application for seeking permission for further



cross-examination of PWI. The perusal of the case file reflects that the chief-examination of PWI was recorded on dated 21.12.2023 and his cross-examination was deferred on the request of learned counsel for the defendants. On dated 28.02.2024 although PWI was present but not recorded as the court time was over. Thereafter, the matter was adjourned to 03.04.2021. 29.05.2024, 18.07.2024 and 12.09.2024 but this witness did not appear in the court for his cross-examination. He appeared on 22.08.2024 and part cross-examination was recorded and the remaining cross-examination was deferred on the request of learned counsel for the plaintiff himself. Thereafter, he again did not appear on dated 01.10.2024 for his further cross-examination despite specific directions and finding no justification for further adjournment, the evidence of the plaintiff was closed by the court. After the closing the evidence of the plaintiff by court order, the case was fixed for evidence of defendants for 23.10.2024, 06.11.2024, 18.11.2024, 09.12.2024, 12.12.2024 and 16.12.2024 and when the chief-examination of DWI was recorded, the plaintiff moved the present application. From all this fact, it is reflecting that the plaintiff has filed the present application just to prolong the matter as the present case pertains to year 2016 and he deliberately waited for so many dates to move the present application. Further no sufficient cause has been stated in the application or at the time of arguments that why PWI did not appear in the court for his cross-examination on the



above-mentioned dates. Further as in the present case the evidence of the plaintiff has been closed by the court, the present application is not maintainable and same is hereby dismissed being devoid of merits.

xxx xxx xxx”

Learned counsel for the petitioner submits that the petitioner was seriously ill on the said date and accordingly adjournment was required to be sought by him. However, on 01.10.2024 the learned trial Court has closed the evidence of the plaintiff by court order. Thereafter, the petitioner/plaintiff moved an application before the learned trial Court for seeking permission for further cross-examination upon him as PW1, which application was also dismissed by the learned trial Court vide order dated 24.3.2025 (Annexure P-1).

Learned counsel submits that the petitioner/plaintiff would suffer irreparable loss if the impugned orders dated 24.3.2025 (Annexure P-1) and order dated 01.10.2024 are not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner herein to conclude further cross-examination upon him, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner, this petition is allowed and impugned orders dated 24.3.2025 (Annexure P-1) and



order dated 01.10.2024 are set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to conclude further cross-examination upon him as PW1, however subject to payment of Rs.50,000/- to be deposited by the petitioner herein with the High Court Lawyers Welfare Fund (Saving Account No.65018692589, IFSC Code No.SBIN0050306, Branch Code 50306, State Bank of India, High Court Branch, Sector-1, Chandigarh) within two weeks from today, failing which, the present petition shall stand automatically dismissed without reference to this Court.

Disposed of as above.

Pending application(s), if any, stands disposed of.

May 27, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No