



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CR-5509-2025 (O&M)
Date of Decision:-19.08.2025

GURPREET SINGH

... Petitioner

Versus

JOGINDER PAL AND ANOTHER

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. S.A. Khemka, Advocate, (Legal Aid Counsel)
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

The instant petition has been filed under Article 227 of the Constitution of India, vide which, defendant-petitioner herein has assailed the order dated 27.02.2025, whereby, learned Civil Judge, Junior Division, Hoshiarpur has curtailed the right of cross-examination of witness(es) of petitioner i.e. PW1 to PW3. The petitioner has taken a plea that initially, the cross-examination was closed and on his application, the learned Court granted one effective opportunity for cross-examination, subject to the payment of cost of Rs.1,500/- (out of which, Rs.500/- was to be paid in the account of DLSA and 1,000/- to the plaintiff) and he has paid the said cost to the clerk of the counsel for paying the same to the plaintiff and vide impugned order, his right to cross-examining the witnesses of the plaintiff-respondent herein was curtailed for non-compliance of the order.

2. Perusal of the record shows that initially, the application of the petitioner was allowed subject to the payment of cost of Rs.1,500/- (out of which, Rs.500/- was to be paid in the account of DLSA, Hoshiarpur and 1,000/-



to the plaintiff). In the present petition, petitioner has nowhere placed on record any receipt showing that the amount of Rs.500/- as ordered by the learned Civil Judge has been deposited with DLSA, Hoshiarpur so the learned Civil Judge was right in closing the cross-examination of PW1 to PW3 for non-compliance of the order dated 04.01.2025 but interest of justice requires that the party be given an opportunity to cross-examine the witnesses of the plaintiff otherwise it would amount to condemning the petitioner unheard but in view of the default of the petitioner, petitioner is required to be burdened with heavy cost. At this stage, learned counsel representing the petitioner submitted that petitioner is a poor person being represented by a Legal-Aid Counsel.

3. In view of the above, the instant petition is allowed and the impugned order dated 27.02.2025 is modified by affording one single opportunity to the petitioner to cross-examine the witnesses of the plaintiff i.e. PW1 to PW3, subject to payment of cost of Rs.5,000/- (out of which amount, Rs.2,000/- would be paid to DLSA, Hoshiarpur and out of remaining Rs.1,000/- each to the witnesses of plaintiff i.e. PW1 to PW3).

4. Copy of this order be supplied to the learned counsel for the petitioner through Bench Secretary.

19.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

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