



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

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**CR-2208-2025**

Date of decision : 07.04.2025

Gurdev Singh

... Petitioner

Versus

Shamsher Singh (now deceased) through LRs and another

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Navinder Jit Singh Dandiwal, Advocate  
for the petitioner.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 12.03.2025 (Annexure P-4) passed by the Civil Judge (Sr.Div.), Moga, vide which the application for summoning of witnesses has been declined.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had moved an application for summoning of two witnesses, one being the JMIC, Moga and other being Criminal Ahlmad of the Court of Ms. Ashima Sharma, JMIC, Moga, along with case file of Challan no.536/2020, FIR no.66 dated 06.06.2019 u/s 365, 343, 420, 120-B, 34 IPC, P.S. Kot Ise Khan, District Moga, titled as 'State vs. Chamkaur Singh and others' pending in the Court for 20.05.2025. It is submitted that at this stage, the petitioner would only press the prayer with respect to



examining the Criminal Ahlmad, who is the second witness stated in the application (Annexure P-3). It is further submitted that the petitioner would examine the said witness at his own responsibility, as the evidence of the said witness is very necessary for proper and final adjudication of the case.

3. On a pointed query raised by this Court, learned counsel for the petitioner has fairly submitted that after passing of the impugned order dated 12.03.2025, three witnesses of the defendants i.e., DW-1, DW-2 and DW-3 have been examined and cross-examined and the case is fixed for 07.04.2025 for remaining defendant evidence. It is submitted that in view of the inconvenience caused to the respondents, the petitioner is ready to pay heavy costs.

4. Keeping in view the above said facts and circumstances, this Court is of the opinion that one last effective opportunity should be granted to the petitioner to complete his entire evidence at his own responsibility, and accordingly, the present petition is partly allowed and the impugned order dated 12.03.2025 is set aside and the petitioner is granted one last effective opportunity to lead his entire evidence at own responsibility. The same would be subject to the petitioner depositing an amount of Rs.50,000/- within a period of three days from today and the said amount would be released to the defendants in equal proportions. The trial Court would give only one date to the petitioner to produce his entire evidence and it is only the witness who is produced on the said date given by the trial Court, who would be permitted to be examined by the petitioner.

5. Needless to say that the respondents would be given an opportunity to cross-examine the said witness. Since the defendants have



already led evidence of DW-1, DW-2 and DW-3, it would be open to the defendants to recall any of the said witnesses or to lead further evidence in rebuttal to the evidence now sought to be produced by the petitioner.

6. It is made clear that in case the said amount is not deposited, then, the present petition shall be deemed to have been dismissed.

7. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents to move an application for recalling the present order in case any of the statement made before this Court is found to be false/incorrect.

**(VIKAS BAHL)**  
**JUDGE**

**April 07, 2025.**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No