

2025:PHHC:088565



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

115

CR-3444-2025 (O&M)

Date of decision: 10.07.2025

Amrik Singh

...Petitioner

Versus

Ranjit Singh

...Respondent

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

Present: Mr. Karan Puggal, Advocate for the petitioner.

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**VIKAS SURI, J.**

1. Prayer in this petition under Article 227 of the Constitution of India is for setting aside the order dated 26.03.2025 (Annexure P-5) passed by learned Civil Judge (Junior Division), Patti, District Tarn Taran, whereby the cross-examination of witnesses Ranjit Singh (PW-1) and Avtar Singh (PW-2) was treated as nil.

2. Briefly stated, plaintiff/respondent-Ranjit Singh filed a suit *inter alia* for declaration that he is owner in possession of the suit land; alleged conveyance deed dated 01.06.2015 and its mutation No.1260 dated 17.06.2015; alleged conveyance deed dated 22.09.2016 and its mutation No.1282 dated 07.10.2016 and mutation No.1252 dated 24.09.2019 regarding inheritance of Gurbant Singh, is illegal, null and void and liable to be set aside along with consequential relief of permanent injunction. Upon notice of the suit, the same was opposed by filing written statement and the issues were framed vide order dated



20.02.2023. Plaintiff/respondent No.1 examined-in-chief Ranjit Singh as PW-1 on 07.08.2023 and his cross-examination was deferred. Thereafter, the matter was adjourned on one ground or the other and vide order dated 18.09.2023, it was posted to 20.11.2023 for cross-examination of PWs and remaining plaintiff's evidence. On 20.11.2023, Avtar Singh was examined-in-chief as PW-2 and his cross-examination as well as of PW-1 was deferred to 08.01.2024 for remaining evidence of the plaintiff. On 26.09.2024, PW-1-Ranjit Singh was present but the matter was adjourned at the request of learned counsel for the defendant. On the subsequent hearing, neither PW-1 or PW-2 or any other plaintiff's witness was present and the proceedings were deferred subject to costs. On the subsequent hearing, both the witnesses PW-1 and PW-2 came present for their cross-examination but the same could not be conducted owing to counsel being busy in cross-examination in other cases. Thereafter, on two consecutive hearings, the said witnesses have not been recorded to be present in the interlocutory orders. However, the said witnesses came present on 07.01.2025 but their counsel apprised the Court that they wanted to summon revenue record to which learned counsel for the defendant acceded that cross-examination of the witnesses was not possible in the absence of the entire record which is to be confronted to the witnesses. Thus, on joint request, the proceedings were adjourned to 20.01.2025 for concluding the cross-examination of PW-1 and PW-2. The plaintiff was directed to produce the revenue record on the next date of hearing. On the subsequent date, the hearing



was further deferred subject to costs imposed upon the defendant. On 27.01.2025, PW-2-Avtar Singh was partly cross-examined but his cross-examination could not be concluded. On the subsequent hearing, though both the aforesaid witnesses were present for their cross-examination but counsel of both the parties were not. Upon joint request, the proceedings were further deferred to 03.03.2025 on which hearing, an adjournment was sought on behalf of the plaintiff, which was allowed subject to costs. It is notable that there is no mention in the said interlocutory order regarding the attendance of the witnesses to be cross-examined. On 19.03.2025, the learned trial Court was apprised that the witnesses could not come present owing to bereavement in the family and the proceedings were deferred to 26.03.2025, when the impugned order treating the cross-examination as nil was passed.

3. Learned counsel for the petitioner submits that thereafter an application was moved seeking permission to cross-examine the witnesses PW-1 and PW-2 and the said application was dismissed vide order dated 23.04.2025 on the ground that the trial Court had no power to review its own order, and the interlocutory order dated 26.03.2025 was subject to revision.

4. Aggrieved by the aforesaid, the petitioner has filed the present petition challenging the order dated 26.03.2025.

5. Learned counsel for the petitioner has argued that perusal of the interlocutory orders would show that on most of the occasions, the witnesses, namely Ranjit Singh and Avtar Singh, PW-1 and PW-2,



respectively, had not come present for their cross-examination and on few occasions, counsel for both the parties had jointly sought deferment of the proceedings. On one occasion, the counsel for the plaintiff got the cross-examination deferred to produce revenue records. For the unnecessary adjournments caused, costs were imposed upon the plaintiff and on another, on the defendant/petitioner herein. Learned counsel for the petitioner further submits that the proceedings are still at the stage of plaintiff's evidence and are now pending for 23.07.2025. Learned counsel for the petitioner has further contended that he seeks only one opportunity to conclude the cross-examination of both the aforesaid witnesses, who are material witnesses, which could be subject to payment of costs, as may be deemed appropriate in the facts and circumstances of the present case.

6. Heard learned counsel for the petitioner and with his able assistance perused the impugned order and paper book.

7. Admittedly, both the parties have been equally responsible in not concluding the cross-examination of the plaintiff's witnesses. However, plaintiff and the said witnesses have, by their repeated absence been at fault on more occasions. In ***Mohinder Singh vs. Satnam Singh***, 2017(3) RCR (Civil) 569, a coordinate Bench of this Court while considering the provision of Order 17 Rule 1 CPC held that where adjournment and bona fide request is made for adjournment, instead of resorting to forfeiture of the right to cross-examine, the Court may grant time by imposing costs. In the case at hand, perusal of the impugned



order would show that no finding has been recorded that the request on behalf of counsel for the defendant was mischievous and not warranted.

8. In view of the facts and circumstances of the present case, I am of the considered view that substantial justice would be met in case one opportunity is granted to the defendant (petitioner herein) to cross-examine PW-1-Ranjit Singh and PW-2 Avtar Singh, subject to payment of costs to compensate the inconvenience caused to the said witnesses. Taking note of the serious consequences likely to enure on account of not granting the opportunity to cross-examine the material witnesses, in ***Balkar Singh vs. Nirmal Singh***, 2017(1) PLR 684, this Court had granted one opportunity to cross-examine the witnesses subject to payment of costs to each witness. Other coordinate Benches have also taken a similar view in ***Ved Parkash and another vs. Singara Singh and others***, 2017(1) Law Herald 538 and ***Kiran Bala vs. Surinder Sharma***, 2017(3) RCR (Civil) 310.

9. In the light of the aforesaid, the instant revision petition is allowed and the impugned order dated 26.03.2025 (Annexure P-5) is set aside to the extent that opportunity for cross-examination of PW-1 and PW-2 was considered as 'Nil' and allow the petitioner one effective opportunity to cross-examine the said witnesses subject to payment of Rs.10,000/- as costs, which shall be paid by the petitioner to each of the said witnesses. Accordingly, the learned trial Court would grant one effective opportunity to the petitioner as aforesaid, on a date to be fixed by the said Court.



10. As the present revision petition is being disposed of in the absence of the plaintiff/respondent, liberty is granted to him to seek recalling of this order, if valid grounds for the same are made out.

11. The revision petition is disposed of in the aforesaid terms.

July 10, 2025  
*sumit.k*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No