



CR-615-2025

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-615-2025

Date of decision : 10.02.2025

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
Mr.Arjun Singh, Advocate
for the respondents

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 15.01.2025 (Annexure P-1) passed by the Civil Judge (Jr.Div.), Meham, vide which the application dated 15.01.2025 filed by the present petitioner for summoning of witnesses has been dismissed.

2. On 30.01.2025, this Court was pleased to pass the following order:-

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

*Inter alia, contends that in the present case, one
attesting witness, namely, Sultan has died and the petitioner*



wishes to examine Parveen Kumar, who is son of the said attesting witness and his evidence is very necessary for the proper adjudication of the case. It is submitted that even Krishan Patwari is required to be examined for proper adjudication and thus, at this stage, the petitioner would only press for examination of the said two witnesses. It is further submitted that for the inconvenience caused to the respondents on account of the delay caused, the petitioner is ready to pay the reasonable costs.

Notice of motion for 10.02.2025.

Liberty is granted to the petitioner to serve the respondents through dasti process as well as through the counsel appearing before the trial Court.

Petitioner as undertaken would bring an amount of Rs.20,000/- to be paid as costs to the respondents.

In the meantime, the trial Court is directed to adjourn the case beyond the date fixed by this Court.

To be taken up in the urgent list.

January 30, 2025”

3. Learned counsel for the petitioner in pursuance of the above said order, has handed over an amount of Rs.20,000/- in cash to the learned counsel for the respondents, who has re-affirmed the said fact.
4. Learned counsel for the respondents has submitted that the present suit is of the year 2018 and thus, in case any opportunity is being granted to the petitioner, then, the same be last opportunity.
5. Learned counsel for the petitioner has submitted that as far as the witness Parveen Kumar is concerned, the petitioner would examine the said Parveen Kumar at his own responsibility on 07.03.2025 which is the next date before the trial Court. It is submitted that as far as the witness

**CR-615-2025****3**

Krishan Patwari is concerned, the petitioner be permitted to move an application for summoning and depositing diet money of the said witness within a period of 10 days from today and the said witness be examined with the assistance of the Court.

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.

**CR-615-2025****4**

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.

(VIKAS BAHL)
JUDGE

February 10, 2025.*Davinder Kumar*

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No