



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

CR-1455-2024 (O&M)

Date of decision : 28.04.2025

Didar Singh

...Petitioner

Vs.

Amrik Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

Mr.B.D. Sharma, Advocate
for respondents No. 3 to 5.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is the defendant in a plaintiff's suit for grant of decree of mandatory injunction directing the defendants to restore/handover possession of 09 kanals 10 marlas land with a consequential relief of *mesne* profit for use and occupation of the premises and grant of decree of permanent injunction restraining the defendants from changing the nature of the suit property.

2. During the pendency of the suit, the Court on 21.07.2023 closed the defendant's opportunity to cross-examine the plaintiff's witnesses.

3. On 07.04.2025, the following order was passed:-

"Learned counsel for the parties admit that there is no order available on the court file closing defendants' opportunity to cross-examine plaintiff's witnesses.

On 21.07.2023, the Court passed the following order:-



“PW1 Jasbir Singh, PW2 Hardial Singh are present and cross examined. On request, case stands adjourned to 12.08.2023 for cross examination of PW3 Jasbir Singh as well as for evidence on behalf of plaintiffs.

Perusal of file reveals that issues in this case were framed on 25.04.2023 and till date many opportunities have been granted to the plaintiffs to adduce their evidence, but the plaintiffs have failed to do so. In the interest of justice, one last and final opportunity is granted to the plaintiffs, to adduce their entire evidence on the next date of hearing i.e 12.08.2023, failing which the evidence of the plaintiff shall be closed by order. Dasti summons if required may be taken.”

Subsequently, defendants filed application for recall of order dated 21.07.2023, closing opportunity of the defendants to cross-examine plaintiff's witnesses, which has been dismissed. It is evident that there is no order passed by the Court on 21.07.2023 to this effect. Keeping in view the aforesaid facts, this Court is left with no choice but to request the District Judge, Amritsar to seek comments of the Presiding Judge in Civil Suit No.251 of 2018, in this regard and forward it to this Court. List on 28.04.2025, in the urgent list.”

4. As per the record received from the Presiding Judge of the trial Court, there is no order passed by the trial Court on 21.07.2023, closing opportunity to the defendant to cross-examine the plaintiff's witness, however, this fact is recorded where the statement of the witness is recorded. In fact, on 21.07.2023, the witness appeared as he was called for cross-examination. The Court recorded as under:-

'Opportunity given nil.'

5. It appears that the Presiding Judge wanted to say that opportunity has been given but the witnesses has not been cross-examined. However, the corresponding order was not passed by the Court on 21.07.2023 in the daily orders.



6. Keeping in view the facts and circumstances of present case, it is considered appropriate to grant one more opportunity to the defendant to complete the cross-examination of PW1-Sh. Jasbir Singh and PW2-Sh. Hardial Singh.

7. The revision petition is disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

28.04.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No