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

CR-365-2025 (O&M)

Date of Decision : 11.08.2025

KAMLA RANI AND ORS

.... Petitioners

VERSUS

RADHEY SHYAM AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Kaith, Advocate for the petitioners.

Mr. Arun Bansal, Advocate for the respondents.
(joined through hybrid mode)

ALKA SARIN, J. (ORAL)

1. Learned counsel for the petitioners would contend that an affidavit in Examination-in-Chief had already been filed by PW-1, which was Ex.PW-1/A (Annexure P-2 herein), which was tendered on 04.10.2023 and at that time defendant No.6 was *ex parte*. Subsequently, *ex parte* proceedings against defendant No.6 were set aside and plaintiff-respondent No.1 herein filed a fresh affidavit (Ex.PW-1/A) on 13.12.2024. Learned counsel would further contend that the plaintiff-respondent No.1 had already been partly examined and that vide the impugned order, taking his affidavit afresh in Examination-in-Chief, the matter has been adjourned for cross-examination thereby doing away with the cross-examination already conducted.

2. Learned counsel for the plaintiff-respondents is not in a position to deny that the second affidavit in Examination-in-Chief is identical in all respects to the affidavit tendered on 04.10.2023 in Examination-in-Chief.

3. In view of the above, there would be no point in wasting the precious time of the Court by directing fresh cross-examination by the petitioner-defendants who have partly cross-examined the witness.

4. In view thereof, the defendant-petitioners shall continue the cross-examination of plaintiff-respondent No.1 from the stage at which it was prior to filing of the second affidavit.

5. Revision petition stands disposed off accordingly. Pending applications, if any, also stand disposed off.

6. Needless to say that the other defendant(s) will have a right to cross-examine the witness in accordance with law. Any observations made herein shall not be treated as an expression of opinion on the merits of the case.

11.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No