Serial No. 8

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 124/2026
CM No. 3830/2026

Roshan Pajgotra and others …..Appellant(s)/Petitioner(s)

Through: Ms. Zoya Bhardwaj, Advocate.

vs

Joginder Pal Gandhi and another ….. Respondent(s)

Through: Mr. Rakesh Chargotra, Sr. Advocate with
Mr. Vikram Singh, Advocate.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
08.07.2026

1. Learned counsel for the petitioners submits that there are five plaintiffs in the suit and two plaintiffs have to appear as witnesses on their behalf. Affidavits of two plaintiffs stand already filed and also list of witnesses has been filed by the petitioners. She further submits that in addition to the list of witnesses containing names of two witnesses, she intends to file affidavit of one more witness.

2. Petitioners are in fact aggrieved of order dated 22.02.2024, whereby right of the petitioners to submit further affidavits of witnesses has been closed.

3. Issue notice to the respondents.

4. Mr. Vikram Singh, Advocate waives notice on behalf of the respondents.

5. Mr. Rakesh Chargotra, learned Senior Counsel appearing for the respondents has very fairly submitted that the respondents shall have

no objection if the petitioners are permitted to submit affidavit of the said witness, provided the petitioners undertake that they will examine the plaintiffs whose affidavits have been filed and also the witness whose affidavit they intent to file before the learned trial court, without any fail and would not seek unnecessary adjournments.

6. Ms. Zoya Bhardwaj, learned counsel for the petitioners has accepted the submission made by learned Senior Counsel appearing for the respondents.

7. Accordingly, with the consent of learned counsel for the petitioners and learned Senior Counsel for the respondents, present petition is disposed of in terms of the following order:

i. Order impugned dated 22.02.2024 is set-aside.

ii. The petitioners shall file the affidavit of one of the witnesses, as submitted by learned counsel for the petitioners, within a period of fifteen days from today.

iii. Learned trial court shall summon the two witnesses as mentioned in the list of witnesses furnished by the petitioners before the learned trial court and in the event it is found that their diet expenses have not been deposited, the same be deposited within a period of fifteen days from today.

iv. The petitioner shall procure dasti summons for service of the said witnesses.

v. The petitioners, who have filed their affidavits, shall appear before the learned trial court so that their cross examination is completed without any further delay.

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vi. The learned trial court is requested to ensure that the evidence of the petitioners is concluded within a period of six months from the date of receipt of certified copy of this order.

8. Disposed of along with the connected application.

(RAJNESH OSWAL)
JUDGE

Jammu
08.07.2026
Sahil Padha

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

Sahil Padha
2026.07.08 18:35
I attest to the accuracy and
integrity of this document