



CR-6730-2024

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

(139)

CR-6730-2024

Date of Decision: - 19.11.2024

Satnam Kaur

....Petitioner

Versus

Darshan Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.P.S. Rahi, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India against the order dated 15.01.2024 (Annexure P-3) vide which the opportunity to cross-examine PW-1 Darshan Singh was treated as 'Nil'. Challenge is also to the order dated 12.08.2024 (Annexure P-5), vide which the application for recalling the said order dated 15.01.2024 has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner is a poor lady and has been provided free legal aid. It is submitted that PW-1 Darshan Singh was present on 14.09.2023 and his cross-examination was deferred and the said PW-1 Darshan Singh was bound down for 12.10.2023 for the purpose of his cross-examination however on 12.10.2023, no PW was present and thereafter, the case was

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adjourned to 14.11.2023. It is stated that even on 14.11.2023, no PW, including PW-1 Darshan Singh was present and the case was adjourned to 24.11.2023, on which date also, no PW was present and thereafter, the case was adjourned to 12.12.2023. On 12.12.2023, no PW was present and the matter was again adjourned to 15.01.2024. It is stated that on 15.01.2024, the order was passed granting 'nil' opportunity to the petitioner to cross-examine the said PW-1 Darshan Singh. It is submitted that thereafter an application was filed for recalling the said order dated 15.01.2024, which was also dismissed vide order dated 12.08.2024 and thereafter, a perusal of the subsequent zimni orders dated 06.09.2024, 04.10.2024, 23.10.2024 and 04.11.2024 would show that no DW has been examined till date.

3. Learned counsel for the petitioner has handed over the said zimni orders during the course of arguments. It is submitted that since there was only one plaintiff witness, thus, in case the petitioner is not granted an opportunity to cross-examine the said plaintiff witness, then, irreparable loss would be caused to the petitioner. It is further submitted that for the inconvenience caused to respondent No.1-plaintiff, the petitioner is ready to pay adequate costs.

4. Keeping in view the above-said facts and circumstances, the present revision petition is partly allowed and the impugned order dated 15.01.2024 (Annexure P-3) is set aside to the extent that the cross-examination of PW1 has been treated as 'nil' and the subsequent order dated 12.08.2024 (Annexure P-5) is also set aside and the petitioner is

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granted one final opportunity to cross-examine the said PW1 but the same would be subject to the petitioner depositing the cost of Rs.7,000/- within a period of two weeks from today. On depositing the said amount, the same would be released by the trial Court to respondent No.1-plaintiff.

5. It is made clear that in case, the said cost is not deposited by the petitioner within a period of two weeks from today, the present revision petition would be deemed to have been dismissed.

6. It is also made clear that the trial Court would grant only one opportunity to the petitioner to cross-examine the said PW1 Darshan Singh and in case, the petitioner does not avail the said opportunity, then, no further opportunity would be given to her to cross-examine the said witness.

7. It would be relevant to mention that notice of motion has not been issued to respondent No.1-plaintiff as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case, any of the statement made before this Court is found to be false/incorrect.

November 19, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No