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

CR-6872-2024

Date of decision: 27.11.2024

Lavesh Kansal and others

...Petitioners

Versus

Apeejay School

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Balkar Singh, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 25.09.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), Faridabad whereby an opportunity of the petitioners/defendants to cross-examine PW1-Sadhna Rani has been dismissed.

2. Learned counsel for the petitioners has submitted that although, there was fault on the part of the petitioners also but a perusal of the zimni orders would show that on 05.10.2023, it was on the request of learned counsel for the plaintiff that the case was adjourned and further on 14.12.2023, it was on the request of both the parties that the case was adjourned. It is submitted that the case is now fixed for defendants evidence on 11.12.2024 and it is submitted that the petitioners be granted one last opportunity to cross-examine said PW1-Sadhna Rani as the petitioners would suffer irreparable loss in case the said opportunity is not granted. It is also submitted that the petitioners are ready to compensate the plaintiff as well as the said witness-Sadhna Rani by paying appropriate costs in addition to the costs of Rs.1000/- which had already been imposed.



3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last opportunity on payment of adequate costs be granted to the petitioners to cross-examine the said PW1-Sadhna Rani. Accordingly, the present revision petition is partly allowed and the impugned order dated 25.09.2024 to the extent that opportunity of the petitioners to cross-examine the said PW1-Sadhna Rani has been closed, is set aside with the following directions:-

- a) The petitioners would deposit an amount of Rs.31,000/- within a period of one week from today before the trial Court. In case such deposit is not made then the present revision petition would be deemed to have been dismissed. On deposit of the said amount, an amount of Rs.15,000/- would be released to the plaintiff and the balance amount of Rs.16,000/- would be released to the said PW1-Sadhna Rani.
- b) In case of the said deposits having been made, the trial Court would give one last effective opportunity to the petitioners to cross-examine the said PW1-Sadhna Rani.

4. In the present case, no notice is being issued to the respondent as issuance of notice to the respondent would further delay the proceedings and would also entail the expenses for respondent to defend the present revision petition. However, it would be open to respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

27.11.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No