



CR-342-2025

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

(126)

CR-342-2025

Date of Decision: - 21.01.2025

Babita

....Petitioner

Versus**Dharampal**

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parveen Chauhan, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India read with Section 151 CPC for setting aside the orders dated 07.08.2024 (Annexure P-8) and dated 07.01.2025 (Annexure P-11) whereby the cross-examination of two witnesses have been declared as 'Nil'.

2. Learned counsel for the petitioner has submitted that the petitioner is a 50 year old lady and in the present case, the issues were framed on 11.08.2023 and thereafter, the case was adjourned to 30.10.2023 for the evidence of the plaintiff, however on 30.10.2023, no plaintiff witness was present and even thereafter on 18.03.2024, no witness of the plaintiff was present. It is further submitted that after the examination-in-chief of PW-1 and PW-2 had been recorded, the case was

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fixed for 07.08.2024 for cross-examination of the said two witnesses but on 07.08.2024 on account of the fact that arguing counsel for the petitioner was not available, the said witnesses could not be examined. It is argued that PW-1 and PW-2 are the two main witnesses in the present case and in case the petitioner is not granted liberty to cross-examine them, then, irreparable loss would be caused to the petitioner. It is submitted that one last opportunity be granted to the petitioner to cross-examine the said witnesses and for the said purpose, the petitioner is ready to pay reasonable costs. It is further submitted that the next date before the trial Court is 23.01.2025.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one opportunity to cross-examine PW-1 and PW-2 and accordingly, the present revision petition is partly allowed and the impugned order dated 07.08.2024 as well as the order dated 07.01.2025 are set aside to the extent that the cross-examination of two witnesses has been declared as 'nil' and the petitioner is granted one last opportunity to cross-examine PW-1 and PW-2, subject to her depositing an amount of Rs.30,000/- as costs, on or before 23.01.2025, which would be released by the trial Court to the said PW-1 and PW-2 in equal proportion, i.e., Rs.15,000/- each.

4. In case the said amount is deposited by 23.01.2025, then, the trial Court would summon PW-1 and PW-2 and on the date the said witnesses appear, the petitioner would be granted only one opportunity to cross-examine the said witnesses and in case the cross-examination is not



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done by the petitioner for any reason on the date when the said two witnesses are produced, no further opportunity would be given to the petitioner for cross-examining the said witnesses.

4. It is made clear that in case the said amount is not deposited by the petitioner on or before 23.01.2025, then the present revision petition would be liable to be dismissed.

5. While assessing the costs of Rs.30,000/-, this Court has taken into consideration the fact that one of the witness is blind and another witness is very old and thus, the cost has been imposed although the petitioner is also stated to be a non-working lady aged 50 years.

6. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

January 21, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No