



CR-660-2025

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CR-660-2025

Date of Decision: - 18.02.2025

Sukhpreet Singh and another

....Petitioners

Versus

Major Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Komaljit Kaur, Advocate,
for the petitioners.Mr. Tarun Seth, Advocate, and
Ms. Ananya Ahluwalia, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.07.2024 (Annexure P-10) passed by the Civil Judge (Jr. Division), Ludhiana in Civil Suit No.62 of 2022 titled as "Major Singh Vs. Sukhpreet Singh and another, whereby the application (Annexure P-8) seeking permission for recalling the witness PW1 for cross-examination has been dismissed.

2. On 03.02.2025, this Court was pleased to pass the following order: -

*"Present: Mr. Komaljit Kaur, Advocate
for the petitioners.*



CR-660-2025

-2-

Learned counsel for the petitioners has submitted that an irreparable loss would be caused to the petitioners in case the petitioners are not permitted to cross-examine PW-1 and the petitioners are ready to compensate the respondent on account of inconvenience caused to the respondent.

Notice of motion for 18.02.2025.

Liberty is granted to the petitioners to serve the respondent through the counsel appearing in the trial Court as well through dasti process.

To be shown in the urgent list.

The petitioners are directed to bring a demand draft of Rs.25,000/- in the name of the respondent/PW-1 on the next date of hearing.

The proceedings before the trial Court may go on but the final order be not passed, till the next date of hearing.

It is clarified that the pendency of the present revision petition should not be construed as estoppel upon the petitioners-defendants from leading their evidence.

It is made clear that in case the demand draft of the abovesaid amount is not brought on the next date of hearing, then the interim order is liable to be vacated.

February 03, 2025”

3. Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have prepared a demand draft of Rs.25,000/- in the name of the respondent/PW-1 and has handed over the same to learned counsel for the respondent, which fact has been reaffirmed by learned counsel for the respondent.

4. Learned counsel for the respondent has submitted that the petitioners are unduly trying to delay the matter and several opportunities have been granted to the petitioners to lead defence evidence but the same

**CR-660-2025****-3-**

has not been led by the petitioners. It is further submitted that in case any opportunity is to be granted to the petitioners to cross-examine PW-1, then only one opportunity be granted and counsel for the petitioners be directed to cross-examine the said PW-1 on the next date of hearing i.e. 01.03.2025, on which date PW-1 would appear. It is stated that the petitioners be also directed to lead their own evidence, as expeditiously as possible, without taking unnecessary adjournments.

5. Learned counsel for the petitioners in response to the objection raised by learned counsel for the respondent has submitted that the petitioners undertake to cross-examine the PW-1 on the next date of hearing i.e. 01.03.2025, on which date the PW-1 would appear and would also complete their evidence within three effective dates and would not unnecessary delay the proceedings.

6. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioners as well as learned counsel for the respondent, the present revision petition is partly allowed and the impugned order dated 11.07.2024 is set aside to the extent that the application filed by the petitioners for cross-examination of PW-1 has been dismissed, with the following directions: -

- (i) The petitioners would be given only one opportunity to cross-examine PW-1. The PW-1 would appear on 01.03.2025, which is stated to be next date of hearing and on the said date itself the counsel for the petitioners appearing before the trial Court would cross-examine the said PW-1. It

CR-660-2025

-4-

is made clear that in case the counsel for the petitioners does not cross-examine the said PW-1 on 01.03.2025, then, no further opportunity would be granted to the petitioners to cross-examine PW-1.

- (ii) As undertaken before this Court, the petitioners would not delay the proceedings and would conclude their evidence by taking only three effective opportunities after the cross-examination of PW-1 is complete.

February 18, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No