



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CR-3054-2025

Date of decision : 19.05.2025

Jagbir Singh @ Jugbir Singh

... Petitioner

Versus

Sanjay Kumar

... Respondent

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Arman Goyal, Advocate  
for the petitioner.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India praying for setting aside the order dated 14.02.2025 (Annexure P-5) passed by the Additional Civil Judge (Sr.Div), Jind, vide which the cross-examination of the respondent-plaintiff (PW-5) has been closed by order.

2. Learned counsel for the petitioner has submitted that the petitioner has 60% permanent disability and in support of his arguments, has referred to the disability certificate dated 25.08.2010. It is submitted that the petitioner had learnt that the earlier counsel had not conducted the case properly and thus, had changed the said counsel which fact is apparent from the zimni order dated 15.05.2025, which the learned counsel for the



petitioner has given to the Court during the course of hearing and the same is taken on record as Mark A. It is submitted that till date, no evidence has been led by the defendant and the case is now listed for 29.07.2025 for evidence of the defendant. It is submitted that although the said PW-5 had repeatedly appeared but he could not be cross-examined on account of the fact that the earlier counsel was initially not well and he had not followed up the case diligently. It is submitted that in case the petitioner is not permitted to cross-examine PW-5, irreparable loss would be caused to the petitioner as PW-5 is the star witness of the plaintiff. It is further submitted that for the inconvenience caused to said PW-5, the petitioner is ready to pay heavy costs and the petitioner would cross-examine the said PW-5 on the date when the said PW-5 appears before the trial Court and would not seek any adjournment on the said date.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity should be granted to the petitioner to cross-examine the said PW-5 Sanjay and accordingly, the order dated 14.02.2025 to the extent that the cross-examination of PW-5 has been treated as Nil is set aside, subject to the petitioner depositing costs of Rs.50,000/- within a period of 10 days from today by moving a specific application before the trial Court. The said amount would be released to the respondent by the trial Court. The petitioner would also move an application before the trial Court within the aforesaid period of 10 days bringing to the notice of the trial Court the order passed by this Court and the trial Court



would then direct PW-5 Sanjay Kumar to appear on one date and the petitioner would only be given one opportunity to cross-examine the said PW-5 on the date the said PW-5 appears.

4. It is made clear that in case on the date when PW-5 appears, the petitioner's counsel does not cross-examine the said PW-5, then no further opportunity would be given to the petitioner to cross-examine PW-5. It is also made clear that in case the said amount is not deposited, then, the present petition shall be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent 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.

(VIKAS BAHL)  
JUDGE

**May 19, 2025.**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No