



CR-6315-2019 (O & M)

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

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CR-6315-2019 (O & M)
Date of decision:09.01.2025

NAVEEN SEKHRI

...PETITIONER

VS.

JAWAHAR KAPOOR AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Akhilesh Vyas, Advocate &
Mr. Sidhant Bhonsle, Advocate
for the petitioner.

None for the respondents.

SUVIR SEHGAL J. (ORAL)

1. This revision petition has been filed impugning order dated 12.07.2019, Annexure P-4, vide which, application filed by the petitioner/plaintiff for production of his witnesses for cross-examination by the respondents/defendants, has been declined.

2. Mr. Akhilesh Vyas, Advocate, submits that the petitioner had filed a suit for possession by way of specific performance of agreement to sell dated 08.12.2011 and for permanent injunction restraining the respondents from alienating the suit property to a third party. He submits

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that after service, suit was contested by the respondents and issues were framed on the basis of the pleadings of the parties. Petitioner produced 09 witnesses, who filed affidavits by way of examination-in-chief and out of them, 03 witnesses were cross-examined by the respondents. He asserts that due to an oversight, petitioner closed his evidence on 17.05.2019 and when this inadvertence came to notice, an application, Annexure P-2, was filed for permission to produce the remaining witnesses for their cross-examination, which has been declined vide impugned order. He requests for one opportunity to produce all the witnesses for their cross-examination at his risk and cost.

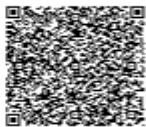
3. As per office report, all the respondents have been served.

4. I have heard counsel for the petitioner and find force in the submissions made by him.

5. The suit was instituted in the year 2013 which remained pending for six years and despite grant of repeated opportunities, including a last opportunity, petitioner has been lax in leading evidence.

6. Be that as it may, as petitioner had produced 09 witnesses in support of his case, out of which, 06 could not be cross-examined, this Court is of the view that in the interest of justice, an opportunity deserves to be granted to him to produce the witnesses who have tendered their affidavits, for cross-examination subject to payment of adequate cost.

7. Accordingly, revision petition is allowed and impugned order is set aside. Petitioner is granted one effective opportunity to produce the



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six witnesses for their cross-examination by the respondents on a date to be fixed by the Trial Court subject to deposit of cost of Rs.20,000/- with Sahayta Charitable Welfare Society, Sector 15-B, Chandigarh, Account No.911010027828405, IFSC: UTIB0001518 in Axis Bank Sec.16, Chandigarh. Deposit of the cost shall be a pre-condition to the grant of opportunity to the petitioner.

8. Pending application is disposed off.

09.01.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No