

**CR-6239-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(344)****CR-6239-2024 (O&M)****Date of Decision: - 06.11.2025****Daljit Kaur****....Petitioner****Versus****Pawan Kumar and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Ashish Kaushik, Advocate
for Mr. APS Sandhu, Advocate
for respondent No.1.

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

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 01.09.2023 (Annexure P-2) passed by the Additional Civil Judge (Sr. Division), Amritsar. Challenge is also to the order dated 04.10.2024 (Annexure P-5) passed by the Additional Civil Judge (Sr. Division), Amritsar whereby an application for recalling of witness filed by the petitioner/defendant No.1 has been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, vide order dated 01.09.2023, PW1-Sanjeev Duggal was

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present and the case was sent to the Court Commissioner for recording of the evidence, and thereafter, on the same day, it was stated that the statement of the said witness has been fully recorded. It is further submitted that a perusal of the statement of the said witness, which has been annexed as Annexure P-1, would show that the cross-examination was done by defendant No.2 only and no presence of counsel for defendant No.1 was marked. It is stated that contradictory terms have been mentioned in the last part of the said examination, inasmuch as, at one stage it has been stated that the opportunity had been given, whereas, at a subsequent stage it has been mentioned that opportunity was 'nil'. It is argued that the petitioner had immediately thereafter moved an application for recalling PW1-Sanjeev Duggal for his cross-examination and in the said application it has specifically been stated that after lunch, when defendant No.1 along with her counsel had appeared for cross-examination of PW1, the counsel was informed that the cross-examination of PW1 has been treated as 'nil'. It is submitted that the said application has also been dismissed by the trial Court vide order dated 04.10.2024 and the same would cause irreparable loss to the petitioner, inasmuch as, the valuable right of the petitioner to cross-examine PW1 has been illegally taken away from the petitioner. It is further submitted that the said PW1 is a necessary witness as he is the scribe of the agreement to sell propounded by the plaintiffs.

3. Learned counsel appearing for respondent No.1 on the other

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hand has submitted that in the present case, respondent Nos.1 and 2 had filed a suit for specific performance and the delay in the proceedings, if any, would primarily prejudice the plaintiffs. It is further submitted that order dated 01.09.2023 was passed in the presence of the counsel for the present petitioner/defendant No.1 and thus, it was the duty of the counsel for the petitioner to be present at the appropriate time when the cross-examination was being conducted. It is stated that in case an opportunity is to be given to the petitioner to cross-examine PW1, then, only one opportunity should be given and the same should be subject to the petitioner paying heavy cost to the plaintiffs.

4. Learned counsel for the petitioner, in view of the objections raised by learned counsel for respondent No.1, has submitted that the petitioner would pay an amount of Rs.30,000/- as costs to the respondents/plaintiffs and has further submitted that the petitioner would only take one opportunity to cross-examine the said PW1.

5. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as learned counsel for respondent No.1, the present revision petition is partly allowed and the impugned orders are set aside subject to the following observations/directions: -

- (i) The petitioner would deposit an amount of Rs.30,000/- within a period of 10 days from today and on her depositing the said amount, the trial Court would release the said



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amount to the respondents No.1 and 2/plaintiffs in equal proportion i.e. Rs.15,000/- each. It is made clear that in case, the petitioner does not deposit the said cost of Rs.30,000/- within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.

- (ii) The plaintiffs would produce the PW1 and, if need be, the trial Court would summon the said PW1 for being cross-examined by the petitioner. The date on which the said PW1 appears, it would be incumbent upon the petitioner to cross-examine the said witness and only one effective opportunity would be given to the petitioner to cross-examine the said witness and no further opportunity shall be granted to cross-examine.

November 06, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No