

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

CR-6475-2025

Date of Decision: 15.09.2025

KRISHAN

....Petitioner

Versus

VIJENDER SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

Petitioner is aggrieved by the impugned order dated 04.07.2025 (Annexure P-1), passed by learned Civil Judge, (Junior Division), Panipat, vide which despite availability of PW1, learned counsel for defendant had failed to conduct his cross-examination and has also failed to deposit the cost of Rs.1,000/- imposed on defendant and therefore, the cross-examination of PW1 was treated as Nil.

2. It is the case of defendant that only on two occasions, learned counsel for defendant could not examine PW1 and if impugned order dated 04.07.2025 is allowed to stand, it would cause serious prejudice to the case of defendant.

3. It is worth noticing, as is made out from zimini orders passed by the Court below that PW1 had appeared on 02.01.2025, cross-examination was deferred as copy of affidavit was supplied to defendant in

the Court. The matter was adjourned to 30.01.2025. The matter was adjourned to 04.03.2025, 28.03.2025 and 24.04.2025, however, since PW1 had not come present, therefore, he could not be examined. On 21.05.2025, PW1 had appeared, however, he was not examined. The matter was adjourned to 04.07.2025, subject to payment of cost of Rs.1,000/-. On 04.07.2025, the cross-examination of PW1 was treated as Nil due to non-appearance of learned counsel for defendant and for not paying the cost.

4. In view of the totality of circumstances, it is made out that on many occasions PW1 had also not come present, however, this cannot justify the conduct of defendant/his counsel to not to cross-examine PW1. The present situation in which defendant has been put is on account of his own conduct. However, since the matter is still at the stage of plaintiff's evidence, a lenient view is taken in the interest of justice, only to ensure that both the parties get due opportunity to lead evidence and place their case before the Court for just and final adjudication.

5. I find it appropriate to grant one opportunity to defendant to cross-examine PW1, subject to cost of Rs.15,000 + Rs.1,000/-, which defendant was supposed to pay vide order dated 21.05.2025. Rs.5,000/- out of total cost Rs.16,000/- be paid to the witness, Rs.3,000/- to the plaintiff and remaining amount of Rs.8,000/- be deposited with Punjab State Legal Services Authority (for flood victims) through DLSA. Let cost be paid on or before the next date of hearing. Defendant shall be bound to cross-examine PW1 on his appearance before the Court and no further date shall be granted for his cross-examination.

6. Petition is disposed of in above terms.

15.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No