

**CR-7164-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(224)****CR-7164-2024 (O&M)****Date of Decision: - 04.11.2025****Pardeep Kaur****....Petitioner****Versus****Sandeep Singh****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. H.S. Bedi, Advocate,
for the petitioner.

Mr. Abnash Singh, 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 28.11.2024 (Annexure P-6) passed by the Additional Civil Judge (Sr. Division), Fatehgarh Sahib whereby the application filed by the petitioner for additional evidence had been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner only wishes to examine the attesting witness Avtar Singh son of Mahinder Singh nambardar of village Chaurwala, Tehsil & District Fatehgarh Sahib to prove the will dated 29.11.1994, which has already been exhibited as Ex.P11. It is further submitted that

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the whereabouts of the said witness Avtar Singh son of Mahinder Singh were not earlier known and she came to know about the same after the evidence of the petitioner-plaintiff was closed.

3. Learned counsel appearing for the respondent on the other hand has submitted that the Will dated 29.11.1994 is not in issue and no issue regarding the same had been framed and thus, the evidence of the said alleged attesting witness Avtar Singh, even if permitted, would not further the case of the petitioner in any manner. It is however submitted that in case the petitioner wishes to examine the said witness and an opportunity is to be given to the petitioner, then, only one effective opportunity be given to the petitioner and heavy cost should be imposed upon the petitioner for delaying the proceedings. It is further submitted that the defendant in addition to cross-examining the said witness be also given one opportunity to lead rebuttal evidence to the evidence to be led by the petitioner.

4. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner as well as on behalf of learned counsel for the respondent, the present revision petition is partly allowed and the impugned order dated 28.11.2024 (Annexure P-6) is set aside with the following observations/directions: -

- (i) One last effective opportunity is granted to the petitioner to examine Avtar Singh son of Mahinder Singh nambardar of village Chaurwala, Tehsil & District Fatehgarh Sahib. The same would be subject to the petitioner depositing an amount

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of Rs.35,000/- with the trial Court on or before 14.11.2025 and the trial Court would release the said amount to the respondent. It is made clear that in case, the petitioner does not deposit the said cost of Rs.35,000/- within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.

- (ii) Apart from the respondent/defendant being granted the opportunity to cross-examine the said witness, the respondent-defendant would also be granted one effective opportunity to lead evidence in rebuttal to the evidence led by the petitioner.
- (iii) It is made clear that this Court has not opined on the importance, relevancy of the evidence of the said witness and all the said aspects would be examined at the time of final adjudication of the case.

November 04, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No