

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4554-2026

Date of Decision: 27.05.2026

ANIL KUMAR RANA

...Petitioner/Defendant

Vs.

TARA WATI

...Respondent/Plaintiff

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Anmol Verma (Khajwaniya), Advocate with
Mr. Aalok Verma, Advocate and
Mr. Jaspreet Singh, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned orders dated 25.05.2022 (Annexure P-1) and 20.05.2026 (Annexure P-2) passed by the learned Civil Judge (Junior Division), Ambala, for grant of one effective opportunity to the petitioner to cross-examine PW-1 Tara Wati, which is necessary for proper adjudication of the case and for doing complete justice between the parties. The petitioner further prays that further proceedings in the aforesaid civil suit, presently fixed for 01.07.2026, be stayed during the pendency of the present revision petition.

2. Briefly stated, the petitioner/defendant is contesting Civil Suit No. CS/665/2019 pending before the learned Civil Judge (Junior Division), Ambala. Issues in the suit were framed on 08.01.2020 and the case was thereafter fixed for plaintiff's evidence. On 10.12.2021, examination-in-chief of PW-1/Tara Wati was recorded, however, her cross-examination was deferred at the request of counsel for the petitioner. Thereafter, due to the

COVID-19 pandemic and serious medical illness of the earlier counsel for the petitioner, the cross-examination of PW-1 could not be conducted and vide order dated 25.05.2022 (Annexure P-1), the learned Trial Court closed the cross-examination of PW-1 by recording "Nil Cross-Examination". It is the case of the petitioner that the earlier counsel was suffering from serious neurological problems and was unable to regularly attend Court proceedings or properly inform the petitioner regarding the proceedings in the case. An affidavit of the previous counsel along with medical record has also been placed on record in support thereof. Thereafter, the petitioner engaged new counsel and moved an application under Section 151 CPC seeking recall of the order dated 25.05.2022 and grant of one effective opportunity to cross-examine PW-1 Tara Wati, on the ground that such cross-examination is necessary for proper adjudication of the case. However, the said application was dismissed by the learned Trial Court vide impugned order dated 20.05.2026 (Annexure P-2). Hence, the present revision petition has been filed.

3. Learned counsel for the petitioner/defendant submits that the impugned order is vitiated by perversity and factual errors, as it proceeds on an incorrect premise and fails to consider the bona fide conduct of the petitioner/plaintiff.

4. I have heard learned counsel for the petitioner and have gone through the file carefully.

5. Considering that there is no illegality or infirmity in the order passed by the learned Civil Judge (Junior Division), Ambala, but, in the interest of justice and in order to allow the parties to contest the petition on its



merits, the petitioner/defendant is granted one effective/final opportunity to cross examine PW-1 Tara Wati, subject to payment of costs amounting to Rs. 50,000/-, of which Rs. 10,000/- shall be deposited in the account of the District Legal Services Authority, Ambala and the remaining amount of Rs. 40,000/- shall be paid to the respondent/plaintiff.

6. In view of the above, the present petition is disposed of. Pending applications, if any, shall also stands disposed of.

(VIRINDER AGGARWAL)
JUDGE

27.05.2026

kv

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>