



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4906-2025(O&M)
Date of decision: 13.01.2026

Lakhwinder Singh

... Petitioner

Versus

Ranjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Mitul Singh Rana, Advocate,
for the petitioner.

Mr. Sunil Agnihotri, Advocate,
for respondent No.1.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 06.05.2025 (Annexure P-5), passed by the Court of Civil Judge (Jr. Divn.), Mukerian, vide which the application instituted by the petitioner for cross-examination of CW1 Sukhjinder Singh (Sadar Kanungo), after recalling order dated 17.02.2025, was dismissed.

2. A civil suit (CS/57/2017), titled as '*Ranjit Kaur and another v. Lakhwinder Singh and others*' was instituted, in which, during the course of evidence, one Sukhjinder Singh (Sadar Kanungo) was present for his cross-examination on 17.02.2025. For, his cross-examination was not conducted by learned counsel representing the petitioner (Lakhwinder Singh), the same was ordered to be treated as 'Nil' vide order dated 17.02.2025 (Annexure P-2).



2.1 On the same day, the petitioner instituted an application (Annexure P-3) seeking permission to cross-examine the said witness after recalling order dated 17.02.2025.

2.2. The said application was opposed by way of a reply (Annexure P-4). The application came to be dismissed by the trial Court vide impugned order dated 06.05.2025, leading to filing of the present revision petition.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that there was no intention to delay the proceedings and that, on the date on which the cross-examination was ordered to be treated as 'Nil', an application was moved to recall of the said order, but the trial Court, taking a hyper-technical view, dismissed the application. He further submits that the petitioner requires only one opportunity to cross-examine the Sadar Kanungo, failing which his rights would be gravely prejudiced.

5. Learned counsel for respondent No.1, on the other hand, has opposed the prayer made by learned counsel for the petitioner stating that such litigants, who deliberately delay the matters, should not be granted any indulgence.

6. Having considered the arguments addressed by learned counsel for the parties, this Court is of the considered opinion that the impugned order is not sustainable. Concededly, the opportunity to cross-examine CW1 Sukhjinder Singh was ordered to be treated as 'Nil' vide order dated 17.02.2025, but, on the same day, an application was moved for recalling the said order. However, the trial Court, taking a hyper-technical view, dismissed the said application.



7. It has to be borne in mind that matters should be decided on merits and that parties should not normally be non-suited on technicalities. No doubt, learned counsel had cross-examined another witness on the same day in another case. However, that in itself does not mean that there was an intention to delay the proceedings. Be that as it may, this Court deems it appropriate to grant the petitioner one more opportunity to cross-examine CW1 Sukhjinder Singh.

8. In view of the above, the instant revision petition is allowed. The impugned order dated 06.05.2025 (Annexure P-5) is set aside. The petitioner is granted one effective opportunity to cross-examine CW1 Sukhjinder Singh (Sadar Kanungo), on a date to be fixed by the trial Court.

10. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

January 13, 2026

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No