



CR-9554-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(149)

CR-9554-2025

Date of Decision: - 12.01.2026

Raj Kishan alias Rajkishan and others

....Petitioners

Versus

Parveen

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Malik, Advocate, for the petitioners.

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VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside/quashing the impugned order dated 01.08.2025 passed by the JMJC-cum-Civil Judge (Junior Division), Panipat, whereby opportunity of petitioners/defendants to cross-examine PW1 and PW2 was treated nil.

2. Learned counsel for the petitioners has submitted that the respondent who is the son-in-law of petitioners No.1 and 2 and brother-in-law of the petitioners No.3 and 4 had filed a suit for declaration and for compensation and damages. It is further submitted that in the said case, the issues were framed on 11.11.2024 and the case was adjourned to 10.12.2024 for evidence of the plaintiff on which date no plaintiff witness was present and the case was adjourned to 20.01.2025. It is submitted that even on 20.01.2025 no plaintiff witness was present and the matter was adjourned to 21.02.2025 on which date also no plaintiff witness was

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present. It is stated that it is only on 10.03.2025, which was the fourth date, that PW1 Parveen had tendered his affidavit and no other witness was present and the case was adjourned to 03.04.2025 for cross-examination of PW1. It is submitted that on 03.04.2025, PW2 Ashok Kumar had also tendered his affidavit and no other witness was present and the case was adjourned to 30.04.2025 for cross-examination of PW1 and PW2. It is argued that on 30.04.2025, the case was adjourned to 27.05.2025 and even on 27.05.2025, no plaintiff witness was present and the case was adjourned to 01.08.2025 on which date the cross-examination of said PW1 and PW2 was treated as 'Nil'. It is submitted that a perusal of the zimni orders would show that no due opportunity was given to the petitioners to cross-examine the said witnesses. It is further submitted that since the said two witnesses are very important witnesses and in case no opportunity is granted to the petitioners to cross-examine them, then, irreparable loss would be caused to the petitioners. It is argued that the case is now fixed for 14.01.2026 for evidence of defendants and that the petitioners undertake to cross-examine the said PW1 and PW2 on the date the said two witnesses appear. It is submitted that for the inconvenience caused to the respondent, the petitioners are ready to pay adequate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one last effective opportunity to cross-examine PW1 and PW2 and accordingly, the present revision petition is partly allowed and the impugned order dated 01.08.2025 (Annexure P-5) is set aside with the following



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observations/directions: -

(i) Petitioners would move an application for recalling the said PW1 and PW2 on 14.01.2026 which is stated to be next date of hearing before the trial Court. Petitioners would also deposit an amount of Rs.20,000/- on the said date, out of which Rs.15,000/- would be paid to PW1 who is also plaintiff in the case and Rs.5,000/- would be paid to PW2.

(ii) The trial Court would summon the said two witnesses for a particular date. Petitioners through their counsel would be given only one effective opportunity to cross-examine the said two witnesses on the date when they appear.

4. It is made clear that in case, the petitioners do not deposit the costs of Rs.20,000/- on 14.01.2026 or do not move an application for recalling the said two witnesses on the said date, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

**January 12, 2026**

*naresh.k*

**( VIKAS BAHL )  
JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No