



CR-9639-2025

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

CR-9639-2025

Date of Decision: 12.01.2026

NIHAL CHAND JAGAN NATH ARORA CHARITABLE TRUST

....Petitioner

Versus

SHAGUN SHARMA

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Munish Puri, Advocate
Mr. Harsh Thakur, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

Petitioner is aggrieved by order dated 10.11.2025 (Annexure P-7), passed by learned Additional Civil Judge (Senior Division), Pathankot vide which cross-examination of PW1-Shagun Sharma was treated to be NIL on account of fault on the part of learned counsel for defendant who had failed to cross-examine her and to pay cost imposed on previous date.

2. Facts in the present case are not in dispute. On 05.03.2025, Shagun Sharma/plaintiff had tendered her affidavit in evidence. On the request of defendant her cross-examination was deferred. Again on 03.09.2025, Shagun Sharma/plaintiff was present for her cross-examination, however, on the request of learned counsel for defendant cross-examination was deferred subject to payment of Rs.500/- as cost and matter was kept for 25.09.2025. However, on account of strike called by District Bar Association, Pathankot, PW1 Shagun Sharma had not appeared on the



adjourned date on 25.09.2025 and matter was adjourned to 10.11.2025 when PW1-Shagun Sharma remained present in the Court. However, neither cost was paid nor counsel for defendant though he was present in the Court agreed to cross-examine the witness present in the Court and insisted upon adjournment.

3. From the above noted facts, it is clearly made out that despite presence of witness learned counsel for defendant had not cross-examined the witness without any just cause. It is worth noticing that presence of learned counsel for petitioner on 10.11.2025 is duly marked. Neither presence on 10.11.2025 on behalf of defendant is being disputed, nor any just cause has been shown for not cross-examining the witness who was present in the Court. The tendency of parties/advocates who try to force the Courts to pass adverse orders is highly condemnable.

4. It is worth noticing that there is no vested right to seek adjournment for cross-examination on filing of affidavit by witness. If affidavit is tendered in evidence, the witness should be examined on the same day and matter should not be adjourned unless it is shown that for the purpose of cross-examination adjournment is necessary. There is no vested right either in a party or in an advocate to seek adjournment merely on the ground that affidavit has been filed today. Even earlier when witnesses were being examined in the Court, witnesses used to be cross-examined on the same day. Therefore, when affidavit is filed in examination-in-chief there is no reason not to cross-examine the witness on the same day. At the most, the witness can be examined after some time after going through the affidavit



and for said purpose adjournment is not justified. However, in the present case, even on adjourned date, defendant had not cross-examined the witness present in the Court. Court was forced to adjourn the matter for cross-examination subject to imposition of cost of Rs.500/-.

5. Again on next date when the witness was present, defendant failed to cross-examine the witness and to pay the cost. The conduct of defendant and his counsel clearly goes to show that they had forced the adjournment with an intention to interfere in the expeditious disposal of case by their adamant attitude. Such conduct is condemnable and, therefore, disentitles petitioner of any relief in the present revision petitioner.

6. However, even though the conduct of defendant and his counsel is condemnable, I feel it appropriate to grant one opportunity to defendant to cross-examine the witness in the interest of justice, so that matter is not decided unheard subject to exemplary cost of Rs.50,000/-.

7. It is made clear that Rs.50,000/- shall be deposited prior to the date fixed. 50% amount shall be paid to plaintiff/respondent and remaining amount shall be deposited with District Legal Services Authority. Further no adjournment shall be granted if witness is present in the Court. Petition is disposed of with above directions.

12.01.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No