



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

CR-3491-2026

Date of Decision:23.04.2026

HARDEV SINGH JATANA SINCE DECEASED THROUGH LRS

...Petitioner

Versus

DILBAGH SINGH SANDHU AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Harneet Singh Oberoi, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present revision petition has been filed under Article 227 of the Constitution of India wherein petitioner-plaintiff is aggrieved by impugned order dated 17.04.2026 passed by learned Additional Civil Judge (Senior Division)-I, SAS, Nagar whereby opportunity to cross-examine DW-1-Dilbagh Singh was treated as NIL and matter was fixed for remaining respondents-defendants' evidence.

2. Facts in the present case are not in dispute. The matter was fixed for respondents-defendants' evidence on 07.11.2025. Respondent-defendant appeared as DW-1 on 06.01.2026 and had tendered his evidence. Thereafter, the matter was adjourned to 19.01.2026 for cross-examination of DW-1. Thereafter, the matter remained pending for cross-examination of DW-1 on 19.01.2026, 21.01.2026, 23.01.2026, 28.01.2026, 03.02.2026, 04.02.2026, 09.03.2026, 13.03.2026, 17.03.2026, 20.03.2026, 03.04.2026 and 15.04.2026 and on 17.04.2026 despite having conducted cross-examination of DW-1 for seven times on previous occasions, the cross-



examination was not concluded and a request for deferment of cross-examination was made by petitioner-plaintiff which was declined and the cross-examination of DW-1 was treated as NIL.

3. Learned counsel for the petitioner-plaintiff has argued that fault lies with DW-1 who failed to appear in the morning and the delay in concluding cross-examination is only on account of conduct of DW-1. However, on perusal of orders passed by learned Court which are annexed with the revision petition, the ground taken by petitioner-plaintiff does not appear to be genuine. Perusal of order dated 17.04.226 shows that DW-1- Dilbagh Sandhu was present since morning but no one appeared on behalf of petitioner-plaintiff to cross-examine him and learned counsel for the petitioner-plaintiff appeared only in late hours of post lunch session and further did not show any interest in cross-examining DW-1, despite having told that file is being sent to the Local Commissioner for cross-examination of DW-1. Even then he insisted on deferment of cross examining of DW-1 and DW-1 was not cross-examined. From above noted facts, it appears that petitioner-plaintiff is taking undue advantage and harassing DW-1.

4. Learned counsel for the petitioner-plaintiff has also tried to argue that respondents-defendants are being put to payment of cost every time and therefore, fault lies with conduct of respondents-defendants and not with that of petitioner-plaintiff. However, perusal of order-sheet goes to show that costs are being imposed on respondents-defendants for not adducing his other evidences. However, asfar as DW-1 is concerned, he has been appearing since 19.01.2026 and has appeared for cross-examination on as many as fifteen occasions out of which he was cross-examined on seven occasions. It is therefore clearly made out that the petitioner-plaintiff or his

**CR-3491-2026**

counsel cannot be absolved from causing unjustified delay in concluding cross-examination of DW-1. Despite this conduct, in the interest of justice, in order to ensure that no prejudice is caused on merits as other side can be compensated with costs, one opportunity is granted to petitioner-plaintiff subject to payment of costs of Rs.50,000/-, out of which Rs.25,000/- be paid to respondents-defendants and Rs.25,000/- be deposited with District Legal Services Authority, SAS Nagar. It is directed that cross-examination of DW-1 shall be concluded on date already fixed by Court (as the case is fixed for today before the learned Court of First Instance). DW-1 shall be present before the Court in the morning session at, or before 10/10:30 AM. The petitioner-plaintiff or his counsel shall also remain present at, or before 10/10:30 AM and the Court shall ensure that the cross-examination is concluded on the same day without granting any further deferment on any unjustified ground. It is further directed that in case, any of the parties tries to delay or avoid cross-examination, the learned Court of First Instance shall be in its right to pass appropriate orders in accordance with law. Revision petition is disposed of.

5. Pending application(s), if any, is/are disposed of accordingly.

23.04.2026
Ravinder

(PARMOD GOYAL)
JUDGE

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