



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-6502-2025

Date of decision :16.09.2025

AMITA DHULL ALIAS AMEETA DHULL

... APPELLANT

VERSUS

PRIYA RANI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Pardeep Sehrawat, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been filed by the petitioner-defendant, who is aggrieved by the impugned order dated 25.07.2025 passed by the Civil Judge (Junior Division), Kurukshetra. By this order, the application filed by the plaintiff-applicant seeking re-examination of PW-3, Sh. AC. Rana, was allowed.

2. Learned counsel for the petitioner has challenged the impugned order on the ground that the petitioner, by seeking re-examine PW-3, intends to fill the lacuna in the evidence. This precise argument was also advanced by the petitioner before the learned Court of first instance. The petitioner has relied upon the judgment titled as *Shubhkaran Singh vs. Abhayraj Singh and others*, Special Leave to Appeal (C) Nos. 12012-12013 of 2025, decided on 05.05.2025.

3. The principle of law regarding the circumstances under which a witness can be recalled and re-examined is well settled, duly noted in judgment cited by learned counsel for petitioner. If at any stage of the proceedings the Court



considers it necessary to recall and further examine a witness, it may do so, including even while writing the judgment. However, this power must be exercised sparingly and only in exceptional cases. The purpose of recalling a witness is to remove ambiguities or clarify the witness's statement, and not to fill up lacuna in a party's case.

4. It is, therefore, necessary to determine whether the plaintiff's application to recall PW-3 is an attempt to fill up lacuna or a genuine effort to clarify issues arising from the evidence of PW-3. Admittedly, as noted by the learned Court of first instance, PW-3 during his examination-in-chief, while appearing as the plaintiff's witness, had duly admitted his signature on mark 'PA'. However, during cross-examination, he changed his stand and claimed that mark 'PA' was never prepared by him and that the document is forged.

5. On account of this conduct of PW-3, the plaintiff-respondent, sought to recall the witness for further examination. In the facts and circumstances of the present case, where a witness who had earlier admitted his signatures on a document later resiled from the same in cross-examination, such witness can very well be recalled and re-examined to clarify the admission made during the examination-in-chief. This exercise is not for the purpose of filling up lacuna, but rather for clarifying the statement made by the witness both in examination-in-chief and cross-examination.

6. In the present case, the conclusion drawn by the learned Court of first instance cannot be faulted. The re-examination of PW-3 has been sought by the plaintiff for the purpose of seeking clarification regarding the assertions made by the witness during cross-examination, wherein he, after having admitted his signatures on the document, subsequently claimed the document to be forged.

7. In these circumstances, no fault can be found with the impugned



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order. Even in the judgment relied upon by the learned Court of the petitioner, the above-noted principles have been reiterated and has been held that that recalling of a witness is permissible where it is clarificatory in nature, and impermissible where it is an attempt to fill up lacuna. In the cited case, the Courts below had concluded that the re-examination sought was intended to fill up lacuna, and therefore the application was rightly dismissed. However, in the present case, the recalling of PW-3 is clearly for the purpose of clarification, and thus, the application has rightly been allowed.

8. Accordingly, the present revision petition is found to be without any merit and is hereby dismissed.

9.

16.09.2025
manoj

(PARMOD GOYAL)
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes |
| Whether reportable | Yes/No |