



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

118

CR-817-2025 (O&M)

Date of Decision : 02.05.2025

SARABJEET SINGH BEDI @ SARBJIT SINGH BEDI Petitioner

VERSUS

HARBANS SINGH AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikram Anand, Advocate and
Mr. Arshit Goel, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.10.2024 (Annexure P-6) passed by the learned Additional Civil Judge (Senior Division), SBS Nagar whereby an application filed by defendant No.1-petitioner herein under Order XVIII Rule 17 CPC for recalling PW-1 and PW-2 was dismissed.

2. Brief facts relevant to the present *lis* are that plaintiff-respondent No.1 herein filed a suit for specific performance of agreement to sell dated 25.09.2007. The plaintiff-respondent No.1 in his evidence examined PW-1 and PW-2. Vide order dated 09.12.2024 the evidence of plaintiff-respondent No.1 was closed on a statement made by his counsel in the affirmative reserving the right to lead rebuttal evidence and the case was adjourned for the evidence of the defendants. While the evidence of plaintiff-respondent No.1 was going on but after the examination of PW-1

and PW-2 had been completed, an application was filed for recalling of the said two witnesses. It was stated in the application that photostat of a writing scribed by the Deed Writer along with agreement to sell, which did not bear any date except for the year 2008 as well as did not bear the signatures of the witnesses, was handed over to defendant No.1-petitioner herein. However, the same could not be explained in the written statement as the said photostat copy was misplaced. It was further stated in the application that now the document had been found and therefore the same needs to be put to PW-1 and PW-2. Reply was filed to the said application. Vide the impugned order dated 14.10.2024 the application was dismissed. Hence, the present revision petition.

3. Learned counsel for defendant No.1-petitioner would contend that since the document was misplaced, hence, defendant No.1-petitioner did not plead regarding the same in the written statement and now the document had been found therefore the same needs to be put to the said two witnesses i.e. PW-1 and PW-2.

4. Heard.

5. In the present case, admittedly, as stated in the impugned order, there is no pleading regarding the writing not bearing the signatures of the witnesses. Infact, in the written statement filed by defendant No.1-petitioner a stand was taken that the signatures were obtained by the attorney holder of plaintiff-respondent No.1 herein on the writing. Admittedly, there is no pleading qua this fact.

6. Order XVIII Rule 17 CPC reads as under :

“17. Court may recall and examine witness - The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.”

The provision of law is only for clarification and cannot be used to fill in omission in evidence of the witness who had already been examined. In view of the above, no fault can be found with the impugned order.

7. In view of the above, I do not find any merit in the present revision being and the same is accordingly dismissed being devoid of any merits. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

02.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*