



CR-6237-2024 (O&M)

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

CR-6237-2024 (O&M)

Date of Decision : 23.07.2025

Satinder Kumar and others

... Petitioners

Versus

Saloni Bhandari

...Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Vaibhav Narang, Advocate,  
for the petitioners.

Mr. Anupam Bhardwaj, Advocate,  
for the respondent.

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**PANKAJ JAIN, J. (Oral)**

Challenge is to the order dated 11.09.2024 passed by Civil Judge, Junior Division, Amritsar whereby an application filed under Order XVIII Rule 17 CPC by the defendant for recalling the plaintiff for further cross-examination stands declined.

2. The plaintiff filed suit for separate possession by partition claiming the properties to be joint against her uncle i.e. petitioner-Satinder Kumar, aunt i.e. defendant No.2 wife of Satinder Kumar and son of Satinder Kumar i.e. defendant No.3. The defendant-petitioner in the written statement specifically pleaded about oral settlement. The pleadings as raised in the written statement read as under : -

“ XXX



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6. That para no.6 of the suit is replied in this manner that defendant no.1 & 2 become owners of the entire dispute property. It is pertinent to mention over here that they were already owners of 282.5 sq yards in disputed property but he also become owner of the remaining part of the property as per the oral family settlement between the mother and father of the plaintiff and the defendant no.1 and 2 as it was mutually settled between the mother and father of the plaintiff and defendant no.1 & 2 that they will owners of the entire property as all the construction expenditure was given by defendant no.1 and all the expenses on the marriage of plaintiff was borne by defendant no.1”

3. From the record, it is discernible that after the parties had led their evidence, an application was moved by the defendant under Order XIV Rule 5 read with Section 151 of CPC whereby he claimed additional issue. The application was allowed by the trial Court vide order dated 16.08.2024 and the following issues were framed : -

“2a) Whether there is oral settlement between the father and mother of the plaintiff and defendants? OPD

2b) Whether as per the said oral settlement defendants becomes the owner of the entire property in dispute? OPD”

4. Thereafter, the present application was moved wherein the defendant sought recalling of the plaintiff in light of additional issues framed. The application stands dismissed vide impugned order observing as under : -

“.....It is pleaded by the defendants in para. 6 of their written statement that as per oral family settlement between mother and father of plaintiff and defendant no.1 and 2, they have become owners of entire suit property as all construction expenditures and expenditures of marriage of plaintiff were borne by defendant no.1. Even in application for framing of issues, it is asserted by the defendant/applicant that they have pleaded about oral family settlement in the written statement. Meaning thereby from the very beginning it is case of



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defendant that they have become owners of suit property on basis of oral family settlement. Thus, additional issues are not framed on something which is new to the defendants.

Moreover, in the instant case plaintiff Saloni Bhandari was cross-examined at length on 05.10.2021. In her cross-examination she was suggested time and again that “it is incorrect to suggest that it was orally agreed between my mother and my uncle Sh. Satinder Kumar that he shall incur all expenses of my marriage and the share of my mother will be given to Satinder Kumar.” Suggestion was also given that “it is wrong to suggest that there was oral family settlement between defendant no.1 and my mother Smt.Anita regarding the expenses of my marriage to be borne by defendant Satinder Kalra. It is further wrong to suggest that in lieu of that settlement Satinder Kumar is entitled for the share of my mother in the property in dispute” Thus, this clearly reflects that question with regard to oral family settlement were already asked by the defendant to the plaintiff. Defendant have already set up their case on newly framed issues in the present case.

As far as law quoted by Ld. Counsel for defendant/applicant is concerned, the same is not applicable to present case as in the instant case, from the beginning defendants have asserted their ownership over entire suit property on basis of family settlement and have even put their case in the cross-examination of plaintiff to her, suggestions were already given and questions on family settlement were already asked by defendants to the plaintiff. Further, court is of view that witnesses cannot be recalled at own whims and fancies of the parties. Court has to see it’s justification and necessity. In the instant case, court does not deems it justifiable to recall the plaintiff for further cross-examination. It will rather delay the trial which is pending since 2018. Moreover case is at stage of defendant evidence and no witness is examined yet. Therefore, defendant will get an opportunity to lead affirmative evidence in their support.”



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5. On the direction of the Court, the defendant-petitioner has placed on record cross-examination of plaintiff-Saloni Bhandari as Annexure P-7. Relevant extract thereof reads as under : -

“.....After the death of my mother, for one year the relations with me and the family of my uncle Sh. Satinder Kumar were very cordial. However when I raised the demand for partition of property in dispute my uncle raised dispute with me. It is wrong to suggest that it was orally agreed between my mother and my uncle Sh. Satinder Kumar shall incur all the expenses of my marriage and the share of my mother in the property in dispute will be given to Satinder Kumar. It is correct that all the ceremonies of my marriage as well as all the purchases of my marriage was done by my uncle Sh. Satinder Kumar voluntarily the aforesaid money spent by my uncle belonging to us and not to my uncle Satinder Kumar. I have no idea how much money was spent in my marriage. Approx. 5-10 lacs was spent in my marriage. My mother had arranged the entire money spent in my marriage.....”

6. From the cross-examination, it is evident that the defendant had put his entire case to the plaintiff when she stepped into the witness box. In view thereof, this Court does not find that the order passed by the trial Court requires any interference while exercising revisional jurisdiction.

7. Needless to say that the revisional jurisdiction under Article 227 of the Constitution of India is limited. Reference can be made to the ratio of law laid down by Supreme Court in **Sadhana Lodh v. National Insurance Company Limited and others, (2003) 3 SCC 524** observing as under:

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or Tribunal has proceeded within its



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parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an Appellate Court or the Tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or re-weigh the evidence upon which the inferior court or Tribunal purports to have passed the order or to correct errors of law in the decision.”

8. Finding no merit in the present revision petition, the same is ordered to be dismissed.

9. Pending application, if any, stands disposed off.

**( PANKAJ JAIN )**  
**JUDGE**

July 23, 2025  
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No