



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

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CR-2387-2025

Date of Decision.:07.05.2025

Tejbir

.....Petitioner

Vs.

Chand

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Surinder Gaur, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is the plaintiff in civil suit bearing CS-566-2016 titled as "Tejbir versus Chand" pending before learned Additional Civil Judge (Senior Division), Jhajjar. He is aggrieved by the order dated 04.04.2025 (*Annexure P-1*) passed by the trial Court, whereby his application to recall PW1- plaintiff for his cross-examination has been rejected. Under challenge is also the order dated 27.08.2024 (*Annexure P-2*), whereby evidence of the plaintiff was closed.

2. It is contended by learned counsel that suit was filed by the plaintiff- petitioner seeking possession of the suit property by way of specific performance. Plaintiff had appeared as his own witness on 09.07.2024, on which date his examination-in-chief was recorded. Matter was adjourned for recording his cross-examination but due to inadvertent mistake of the counsel, the evidence was closed on 27.08.2024. The petitioner- plaintiff realized the said mistake at the time of addressing arguments and so, he moved the application for recalling the order dated 27.08.2024 and seeking permission to recall PW-1 Tejbir for the purpose of cross-examination but that application was rejected by the Court on 04.04.2025. Learned counsel submits that for the fault of the counsel, the party should not suffer and so, the petitioner- plaintiff be granted one opportunity to appear as his witness for completion of his cross-examination.



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3. After hearing learned counsel for the petitioner at considerable length, this Court does not find merit in the petition.

4. As has been observed by the trial Court in the impugned order that after recording the examination-in-chief of the plaintiff on 09.07.2024 (Annexure P-4), the matter was adjourned twice for completion of his cross-examination but he did not appear. Rather, on 27.08.2024 (Annexure P-2), counsel for the plaintiff, after tendering certain documents, closed the evidence at his own, without the completion of the statement of PW-1 Tejbir.

5. Matter does not rest here. This Court could have taken it as an inadvertent mistake on the part of the counsel for the plaintiff- petitioner to close the evidence but the perusal of the impugned order would reveal that after closing the evidence of the plaintiff, even the defendant has closed his evidence. So much so, plaintiff closed his evidence in rebuttal on 11.03.2025. Even the final arguments were advanced by counsel for both the parties and it is only then that the application for recalling PW-1 was moved for completion of his cross-examination.

6. Having noticed the aforesaid facts and circumstances, it is evident that the application to recall PW1 was moved by the petitioner-plaintiff only to fill in the lacuna, which must have been pointed out by counsel for the respondent- defendant at the time of final arguments.

7. In the aforesaid circumstances, this Court does not find any perversity or illegality in the impugned orders dated 04.04.2025 (Annexure P-1) and order dated 27.05.2024 (Annexure P-2). As such, holding the present revision to be devoid of any merit, same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

May 07, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No