



CR No.5480 of 2023 (O&amp;M)

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

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**CR No.5480 of 2023 (O&M)  
Date of Decision: 18.08.2025**

**PARVEEN****.....Petitioner****Vs****MUNICIPAL COMMITTEE, SBS NAGAR AND OTHERS****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Sarju Puri, Advocate with  
Mr. Digvijay Manchanda, Advocate  
for the petitioner.

Mr. D.S. Randhawa, Advocate  
for respondent Nos.1 and 2.

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**HARKESH MANUJA, J. (Oral)**

[1]. By way of present petition, challenge has been laid to an order dated 05.09.2023 passed by the learned Civil Judge (Jr. Divn.) SBS Nagar, whereby an application preferred at the instance of petitioner/plaintiff for recalling of her witness PW-2 namely Ashok Kumar stands declined.

[2]. Briefly stating, on account of unfortunate demise of her husband while in service on 31.08.2018; who was working as Sewadar with the Municipal Committee, Tehsil Nawanshahar, District SBS Nagar; petitioner/plaintiff sought declaration to the effect that she being her widow was entitled for all service benefits-cum-retiral benefits. In order to prove her case, petitioner/plaintiff examined PW-2 Ashok Kumar, Accountant, Municipal Committee, Tehsil Nawanshahar, District SBS Nagar on 13.01.2023 and thereafter her evidence was closed on 10.02.2023 followed by conclusion of the evidence of respondents/defendants on 20.07.2023.



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[3]. However, at the stage of rebuttal and arguments, an application came to be filed at the instance of petitioner/plaintiff seeking liberty to recall PW-2 Ashok Kumar in order to render further explanation with respect to arrears of salary and arrears of annual increments which were payable to her deceased husband-Pardeep Kumar.

[4]. The application was opposed at the instance of respondents/defendants and the same came to be dismissed by the Trial Court vide the impugned order dated 05.09.2023.

[5]. I have heard learned counsel for the parties and gone through the paper book.

[6]. In the present case, petitioner being widow of deceased Pardeep Kumar, who was working as Sewadar with the Municipal Committee, Tehsil Nawanshahar, District SBS Nagar has sought declaration with respect to the release of all service benefits as well as retiral benefits payable on account of unfortunate demise of her husband. Though the relevant records has been made part of the learned Trial Court file through deposition of PW-2, however claim with respect to arrears of salary payable, besides the arrears of annual increments, if any to the deceased has not been specifically and categorically clarified from the deposition of PW-2 Ashok Kumar. Although the details about gratuity amount, Ex-gratia amount, Leave encashment and Liability towards loan was clearly described yet the dues about arrears of salary or annual increments were not quantified, as such in order to elucidate the stand of petitioner/plaintiff, it becomes essential to recall PW-2 Ashok Kumar so as to secure further clarification on the aspect of arrears of salary and annual increments, if any payable to the deceased. It is thus, apparent that the recalling of PW-2 is necessary for rendering complete justice



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especially the same being not to fill up any lacuna or omission in the facts and circumstances of the present case.

[7]. In view of above, the present petition is allowed. Resultantly, the impugned order dated 05.09.2023 passed by the learned Civil Judge (Jr. Divn.) SBS Nagar, is hereby set aside thereby resulting into grant of permission in favour of petitioner-plaintiff to recall her witness PW-2. Normal consequences to follow.

[8]. Pending application(s), if any shall also stand disposed of.

**August 18, 2025**

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**(HARKESH MANUJA)  
JUDGE**

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