

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-4304-2025 (O&M)
Date of decision: 16.07.2025****Hamir Real Estate Pvt. Ltd.
(now known as VR Malwa Private Limited)
and another****...Petitioner(s)****Vs.****Mr. Krishan Gujral****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Abhinav Sood, Advocate and
Mr. Arsh Bir, Advocate
for the petitioners.

*********NIDHI GUPTA, J.**

Present Civil Revision Petition has been filed by the defendants through Authorized Representative under Article 227 of the Constitution of India seeking setting aside of the order dated 05.05.2025 (Annexure P-11) passed by the learned Civil Judge (Junior Division), SAS Nagar, Mohali in Civil Suit bearing CS No. 1053 of 2021; whereby the application dated 10.03.2025 (Annexure P-10) filed by the petitioner under Order XVIII Rule 17 CPC praying for recalling of the plaintiff for cross-examination, has been dismissed.

2. Brief facts of the case are that the respondent/plaintiff was employed by the petitioner/defendant company as Manager-Fitout Works vide letter dated 31.03.2015 (Annexure P-2). As complaints were received



against the respondent, he was suspended vide inquiry dated 10.04.2021; and subsequently his services were terminated on 01.06.2021. It was further directed that no salary or terminal benefits were payable to the respondent due to termination based on misconduct. Consequentially, respondent/plaintiff filed the present suit on 22.12.2021 (Annexure P-4) for recovery of Rs.8,98,739/-.

3. It is submitted by learned counsel for petitioner that in passing the impugned order dated 05.05.2025 (Annexure P-11), the learned trial Court failed to appreciate that for proper adjudication of the matter, further cross-examination of the plaintiff is required. It is vehemently submitted that subsequent to the conclusion of the cross-examination of the plaintiff, certain new facts and circumstances came to the knowledge of the petitioner which were previously not known to him despite due diligence as there was a change in management and personnel of the petitioner-company. It is submitted that it was necessary to confront the plaintiff qua the said facts as the same shall not only assist in clarifying the position previously adopted by the plaintiff but also assist in unearthing the true facts and circumstances of the dispute and exposing the falsity of assertions made by the plaintiff. Therefore, application of the petitioner ought to have been allowed in the interest of justice.

4. It is accordingly prayed that the Revision Petition be allowed; and the impugned order dated 05.05.2025 (Annexure P-11) be set aside.

5. No other argument is raised on behalf of the petitioners. I have heard learned counsel and perused the case file in great detail.



6. I find no merit whatsoever in the submissions made on behalf of the petitioners on account of the fact that it has been admitted by learned counsel during the course of arguments that the documents which allegedly came into the knowledge of the petitioners pertain to the year 2021. No explanation is given as to why respondent was not confronted with the same during his cross-examination. Moreover, a perusal of the instant application dated 10.03.2025 (Annexure P-10) reveals that the same is utmostly vague. It does not, in any manner, reveal the date on which the petitioner got knowledge of the said documents. Nothing is shown as to in what manner, knowledge was received by the petitioners or through whom or even the nature of documents is not revealed. All that has been stated in the application is that: –

“4. That after receiving the certified copies of the Plaintiffs evidence, the Defendant's Counsel shared the same with the Defendants. Upon careful review of these documents, certain new and significant facts were brought to the attention of the Defendant's Counsel. These facts were conveyed by co-employees of the Defendant company and pertain to the Plaintiff and the co-accused employees.

5. That, in light of the above-referenced developments and the new information that has come to light, the Defendant intends to take further steps in advancing his case, based on the newly discovered facts.”

7. Perusal of the record further reveals that the examination-in-chief of PW1/plaintiff was conducted on 22.02.2024 (Annexure P-5); and his cross-examination was deferred on request of learned counsel for the petitioner. Thereafter, case was adjourned to 27.03.2024, 24.04.2024 and 27.05.2024. The matter was again fixed for 18.07.2024 for cross-



examination of the plaintiff. However, the case was again adjourned at request of counsel for the petitioner. On the next date of hearing i.e. 01.08.2024, cross-examination of the plaintiff/PW1 was partly recorded and further cross-examination was deferred to 05.09.2024; on which date cross-examination of the plaintiff was concluded. Evidence of plaintiff was closed on 05.12.2024. Thereafter the matter was fixed on 13.12.2024, 08.01.2025, 22.01.2025, 29.01.2025, 31.01.2025, 07.02.2025, 18.02.2025, 11.03.2025, and 20.03.2025. However, despite availing numerous opportunities, the petitioner/defendant has led no evidence; and on 10.03.2025, the present application for further cross-examination of the plaintiff was filed by the defendant. Even it is not mentioned in the present application as to on what material facts, does the petitioner seek further cross-examination of PW1.

8. In view of the above facts, no ground is made out to interfere in the impugned order dated 05.05.2025 (Annexure P-11). The present Civil Revision Petition is hereby **dismissed**.

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

16.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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