



CR-873-2025(O&M)

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-873-2025(O&M)

Date of decision : 11.02.2025

Sukhmander Singh

... Petitioner

Versus

Ranjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.N.S. Sodhi, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India read with Section 151 CPC for quashing of order dated 24.01.2025 (Annexure P-1) vide which the prayer of the petitioner dated 18.12.2024 to take off the evidence of Puneet Rana, Advocate as DW-2 has been declined.

2. Learned counsel for the petitioner has submitted that the present petitioner, who is the plaintiff, is relying upon the Will dated 07.07.2017 executed by Bahadur Singh to claim his title in the suit whereas the Will which has been relied upon by defendant no.1 / respondent no.1- Ranjit Singh was registered on 28.07.2017. It is submitted that the scribe of both the Wills is stated to be the same person i.e., Puneet Rana, Advocate. It is submitted that the petitioner had examined the said Puneet Rana,

**CR-873-2025(O&M)****2**

Advocate as PW-4 and at that stage, the counsel for respondent no.1 should have put queries with respect to the Will dated 28.07.2017 also, which was not done, whereas defendant no.1 has now examined the said Puneet Rana, Advocate as DW-2. It is submitted that in the said circumstances, the petitioner had moved an application for taking off the affidavit of Puneet Rana, Advocate, who had been produced as DW-2, but the same has been dismissed by the trial Court vide order dated 24.01.2025 which order deserves to be set aside.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book and finds that the impugned order deserves to be upheld and the present petition being meritless, deserves to be dismissed for the reasons stated hereinafter.

4. A perusal of the order dated 24.01.2025 would show that the application moved by the petitioner for taking off the evidence of the Puneet Rana, DW-2 had been dismissed in view of the fact that the said Puneet Rana was sought to be examined as DW-2 in order to prove entirely separate document (which is a Will registered on 28.07.2017), which was relied upon by respondent no.1. It was observed that it was not the case that the said Puneet Rana was being recalled for re-examination as a plaintiff evidence but was being examined as a defendant witness in order to prove the Will dated 28.07.2017. It was further observed that there was no bar in law that one person could not be examined as a plaintiff witness as well as a defendant witness and thus, it was observed that the application was devoid of merits and was dismissed. It was further observed that Mr.Puneet Rana,

**CR-873-2025(O&M)****3**

Advocate was a professional scribe who had scribed both the Wills dated 07.07.2017 and 28.07.2017 and both were executed by Bahadur Singh.

5. The observations made by the trial Court have not been shown to be perverse or against law. No judgment has been cited to show that a witness who has scribed two Wills, one in favour of the plaintiff and the other in favour of the defendant, cannot be examined independently by the plaintiff and the defendant. It is further relevant to note that no provision of law has been shown to state as to how the present application for “taking off the evidence of Puneet Rana, Advocate” is maintainable. It is a matter of settled law that in case any person has any objection with respect to any aspect, then it is open to the said person to raise objections but nothing has been shown to this Court that a party has a right to move an application for taking off the evidence of another party, *moreso*, when the case is at the stage of evidence of other party.

6. Additionally, it would also be relevant to mention that a perusal of Annexure P-8, which is stated to be the affidavit/examination-in-chief of Puneet Rana (PW-4), shows that there is a mention only of the Will dated 07.07.2017 propounded by the petitioner-plaintiff and thus, the counsel for respondent no.1-defendant no.1 had rightly cross-examined him only with respect to the said Will dated 07.07.2017, which was mentioned in his examination-in-chief. Moreover, no prejudice has been caused to the petitioner, inasmuch as, it is the case of the petitioner himself that defendant no.1 has relied upon the Will dated 28.07.2017 in the written statement and further the petitioner would have opportunity to cross-examine the said

**CR-873-2025(O&M)****4**

Puneet Rana, who appeared as DW-2 to give evidence with respect to the Will which was registered on 28.07.2017 propounded by defendant no.1.

7. Keeping in view the abovesaid facts and circumstances, the impugned order is accordance with law and deserves to be upheld and the present petition being meritless and deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

February 11, 2025*Davinder Kumar*

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No