



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

117

CR-2405-2025 (O&M)
Date of decision: 23.05.2025

Satwant Kaur (since deceased) through LRs

...Petitioner

V/s

Baljit Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. C.L. Pawar, Advocate and
Mr. Rubal Pawar, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition assails the order dated 17.01.2025 passed by the Court of Civil Judge (Jr. Divn.), Ludhiana, vide which prayer made in the application (Annexure P-1) to withdraw the affidavit of PW (Manpreet Singh) was declined.

2. A suit for specific performance of agreement to sell dated 08.10.2008 executed in favour of the petitioner-plaintiff (Satwant Kaur) by respondents-defendants No.1 and 2 (Baljit Singh and Pritam Singh) was filed in the Court of Civil Judge (Jr. Divn.), Ludhiana. During the pendency of the suit, Satwant Kaur unfortunately expired as a result of which, Mewa Singh, her husband, was brought on record as her legal representative, after which Mewa Singh also expired and currently the legal representatives of Mewa Singh which consists of his two daughters, son and daughter-in-law are pursuing the suit. During the course of evidence, one Manpreet Singh appeared as a witness. His affidavit was tendered in examination-in-chief and he was cross-examined by respondents-defendants No.1 and 2. Subsequently,



an application for withdrawing his affidavit was filed, which has been dismissed by way of the impugned order leading to the filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner does not press his prayer seeking withdrawal of the affidavit of Manpreet Singh. However, in the application, it had been prayed that instead of Manpreet Singh, Davinder Singh be examined as a witness. Learned counsel submits that since now the first prayer is not being pressed, the petitioner intends to examine Davinder Singh independently as a witness in the case but apprehends that the moment such a request is made, the present impugned order shall come in the way of the petitioner.

5. I have considered the submissions made by learned counsel for the petitioner.

6. Since the prayer as regards withdrawal of the affidavit of Manpreet Singh is not being pressed, there is no requirement of delving into the merits of the said issue. However, it would always be open for the petitioner to move an application before the trial Court for examining Davinder Singh as a witness. In case, such an application is moved, the same shall be decided in accordance with law without being influenced with the fact that Davinder Singh was sought to be examined as a witness instead of Manpreet Singh.

7. The revision petition is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

May 23, 2025

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