



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CR-6846-2023

Date of Decision.:25.09.2025

Sangita Rani

.....Petitioner

Vs.

M/s Shalimar Town Planners Pvt. Ltd. and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Adarsh Jain, Advocate
for the respondents.

DEEPAK GUPTA, J. (ORAL)

The petitioner is one of the defendants in Civil Suit No. CS-46451-2013 titled *Shalimar Town Planner Pvt. Ltd. v. Shyambir & Ors.*, pending before the Civil Judge (Junior Division), Faridabad. She assails the order dated 12.10.2023 (Annexure P-11), whereby the trial Court allowed the plaintiff's application under Section 151 CPC seeking re-examination of PW-3 Sh. D.P. Khatana, and PW-5 Jai Shankar, its authorized representative.

2. The record reveals that the plaintiff instituted the suit for specific performance on the basis of an agreement to sell dated 07.10.2007. During the proceedings, it moved an application under Section 65 of the Indian Evidence Act to lead secondary evidence of the said agreement and receipts, alleging that these documents had been seized during a raid by the Income Tax Department in 2007. The trial Court initially dismissed the application on 23.01.2017. However, in CR-1076-2017, a co-ordinate Bench of this Court, vide order dated 20.04.2023 (*Annexure P-6*),

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permitted the plaintiff to adduce secondary evidence, while clarifying that admissibility would be examined at the final stage. By that time, however, the plaintiff had already concluded its evidence. Consequently, it sought re-examination of PW-3 and PW-5 by moving application (Annexure P-9), which has now been allowed.

3. The grievance of the petitioner is that neither PW-3 and PW-5 have any relevance to the agreement nor are the receipts untenable. As rightly observed, PW-3 Shri D.P. Khatana is the scribe of the agreement to sell and the receipt of earnest money, having signed both documents. His testimony is therefore germane to their proof. PW-5 Shri Jai Shankar, being the authorized representative of the plaintiff, is required to prove the seizure memo prepared by the Income Tax Department, evidencing that the originals were taken into custody. His re-examination is thus confined to proving that collateral document, and not to re-establish the execution of the agreement itself.

4. In these circumstances, no illegality or perversity can be attributed to the trial Court's order permitting their limited re-examination. The trial Court has further safeguarded the defendants' rights by recording that admissibility of the documents shall be determined only at the stage of final arguments.

5. As such, finding no ground to interfere, the present petition is held to be devoid of merit and is accordingly dismissed.

(DEEPAK GUPTA)
JUDGE

September 25, 2025

Neetika Tuteja

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