

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-798-2024 (O&M)****Date of Decision : 30.09.2025**

Didar Singh

... Petitioner

Versus

Satnam Singh and Another

... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Harsh Chopra, Advocate for the petitioner.

Mr. Bhrigu Dutt Sharma, Advocate for the respondents.

**ALKA SARIN, J. (Oral)**

1. Present revision petition has been filed by the plaintiff-petitioner challenging the order dated 16.08.2023 whereby the application filed by him for making corrections in the headnote, cross-examination and *zimini* order dated 25.09.2019 has been dismissed.

2. Briefly, the facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for mandatory injunction directing the defendant-respondents to vacate one room, kitchen and washroom constructed on the first floor of House No.S-133, Industrial Area, Sodal Chowk, Jalandhar as fully described in the plaint. Didar Singh (plaintiff-petitioner) while appearing as PW1 and Sukhwinder Singh (PW2) tendered their affidavits in examination-in-chief on 01.04.2019. On 08.05.2019 PW2 Sukhwinder Singh was partly cross-examined. On 04.07.2019 no witness was present. On 05.08.2019 further cross-examination of PW2 Sukhwinder Singh was

conducted which also remained incomplete. On 30.08.2019 no PW was present and the case was adjourned. On 25.09.2019 it was recorded in the order passed by the Trial Court that PW1 Didar Singh is present and accordingly the Court appointed a Local Commissioner, namely, Sh. Vikas Bhalla, Advocate and assessed his fee for examination of the witness. The parties were directed to appear before the Local Commissioner at 12.00 pm sharp. Subsequently, the report of the Local Commissioner was received. The Local Commissioner submitted a report before the Trial Court wherein he had specifically stated that he had recorded the statement of PW1 Didar Singh. Subsequently, on 14.03.2023, a statement was made by the counsel appearing for the plaintiff-petitioner that cross-examination of PW2 Sukhwinder Singh still remained pending as he was not present in Court. Thereafter, on 14.03.2023 itself the evidence of the plaintiff-petitioner was closed by order and opportunity was granted only for cross-examination of PW2 Sukhwinder Singh as well as documentary evidence. Subsequently, on 10.04.2023 no PW was present and the case was adjourned to 08.05.2023. On 08.05.2023 the case was adjourned to 19.05.2023 as the Presiding Officer was on casual leave. On 19.05.2023, yet again, no PW was present and the case was adjourned for evidence of the plaintiff-petitioner. On 06.07.2023 also no PW was present and on 07.07.2023 the present application (Annexure P-9) was filed stating therein that on 25.09.2019 it was the cross-examination of PW2 Sukhwinder Singh which was actually conducted and inadvertently the name of PW1 Didar Singh was mentioned. Reply was filed to the said application. Vide the impugned order dated 16.08.2023 the said application has been dismissed. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the plaintiff-petitioner would contend that

there was a genuine mistake and the name of Didar Singh was mentioned instead of Sukhwinder Singh. It is further the contention that cross-examination of Sukhwinder Singh was going on and he tendered his affidavit in examination-in-chief on 01.04.2019 and thereafter he was partly cross-examined on 08.05.2019 and 05.08.2019. Thereafter, he appeared on 25.09.2019 and his cross-examination was to be completed however, inadvertently in the order dated 25.09.2019 as well as in the report of the Local Commissioner, the name of Didar Singh was mentioned hence the necessity to file the application for correction of the name of Didar Singh to that of Sukhwinder Singh. Learned counsel for the plaintiff-petitioner would further contend that there is no report as to how Didar Singh was identified.

4. *Per contra* learned counsel for the respondents has pointed out that there was no confusion as to who was examined on 25.09.2019 as the order dated 25.09.2019 was passed in the presence of the counsel for both the parties and the order specifically passed was that PW1 Didar Singh was present and his statement was directed to be recorded by a Local Commissioner, namely, Sh. Vikas Bhalla. In the same order it had been noticed that report of the Local Commissioner had been received and the statement of one witness PW1 Didar Singh had been recorded and the Local Commissioner had also submitted his report. Learned counsel for the respondents has referred to the report of the Local Commissioner, which is available on the scanned record which has been received from the Trial Court, wherein he had specifically stated that he was appointed as a Local Commissioner and on such instructions he had recorded the statement of PW1 Didar Singh. Learned counsel for the respondents has also pointed out to the order dated 14.03.2023 wherein it was recorded that cross-examination of

PW2 Sukhwinder Singh was still pending and that the said witness had not come present. Thereafter, no PW came present and on 07.07.2023 the application was filed stating that the Local Commissioner had wrongly recorded the name of Didar Singh and it was Sukhwinder Singh who had been examined and had also signed the said statement. Learned counsel for the respondents has further stated that ultimately vide order dated 16.01.2024, since no PW was present, the evidence of the plaintiff-petitioner was closed and present revision petition has been filed on 07.02.2024.

5. Heard.

6. In the present case, learned counsel for the plaintiff-petitioner has contended that it was the statement of Sukhwinder Singh which was actually recorded on 25.09.2019 and he had also appended his signatures at the bottom of the statement however inadvertently the Local Commissioner as well as the Court had referred to him as Didar Singh. The said argument of learned counsel for the plaintiff-petitioner cannot be accepted in view of the facts which are apparent on the face of the record. Both the witnesses i.e. PW1 Didar Singh and PW2 Sukhwinder Singh had tendered their affidavits in examination-in-chief on 01.04.2019. Subsequently, on two occasions, i.e. 08.05.2019 and 05.08.2019, PW2 Sukhwinder Singh was partly cross-examined. From 2019 till 14.03.2023 Sukhwinder Singh did not appear for his further cross-examination as is apparent from the order dated 14.03.2023 wherein it had been noticed that the counsel for the plaintiff-petitioner had made a statement that the cross-examination of PW2 Sukhwinder Singh was still pending and that the said witness had not come present. It is difficult to believe that the statement of Sukhwinder Singh was recorded and inadvertently he was referred to as Didar Singh in September 2019 however

the said fact was not in the knowledge of the plaintiff-petitioner or his counsel till the filing of the application on 07.07.2023. There is not a single order where Didar Singh appeared and stated that his statement is yet to be recorded or where the counsel had stated that statement of Didar Singh had not been recorded. Had it been a case of a genuine mistake and the counsel had overlooked that the name of Didar Singh was recorded instead of Sukhwinder Singh, Didar Singh would have come present at least on one date from 2019 to 2023 to get his statement recorded. However, it does not appear to be so. The argument of learned counsel for the plaintiff-petitioner that it was a genuine mistake also deserves to be rejected inasmuch as the Local Commissioner had given a specific report that he was appointed as a Local Commissioner by the Court's order and that he had recorded the statement of PW1 Didar Singh. All these facts were well within the knowledge of the plaintiff-petitioner and his counsel. Sukhwinder Singh, who is stated to have signed the statement appears to be an educated person from his signatures as appended on his affidavit (Annexure P-6) tendered in examination-in-chief. It is unbelievable that said Sukhwinder Singh did not read the statement when he signed the same. At the bottom of the statement, Sukhwinder Singh had signed under "read-over and accepted as correct". There is no reason to disbelieve the Local Commissioner as well as the statement of the counsel for the plaintiff-petitioner himself. The application seems nothing but an endeavour to get out of the fact that from 01.04.2019, when the affidavits in examination-in-chief were tendered, till 16.01.2024 the plaintiff-petitioner failed to conclude his evidence and his evidence was eventually closed vide order dated 16.01.2024. It is also pertinent to note that the application filed by the plaintiff-petitioner for correction was dismissed on 16.08.2023. The

plaintiff-petitioner chose to keep quiet and did not challenge the said order till after his evidence had been closed vide order dated 16.01.2024. It is only thereafter that the present revision petition was filed on 07.02.2024. This Court refrains itself from commenting on the conduct of the plaintiff-petitioner and from imposing costs.

7. In view of the above, the present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

30.09.2025  
jk

( **ALKA SARIN** )  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO