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

CR No. 980 of 2019

Date of Decision: 11.02.2019

Harvinder Singh

-Petitioner

Vs

Rajinder Kumar and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has preferred this revision petition against the order dated 17.01.2019 passed by Civil Judge (Junior Division), Mukerian vide which the application filed by the petitioner for re-calling the witness for further cross-examination was dismissed.

Perusal of the record would show that PW1- Rajinder Kumar, PW2- Satish Kumar and PW3- Sarbans Singh were cross-examined by the previous counsel on behalf of the defendant.

Petitioner-defendant claimed the agreement to sell dated 15.03.2013 to be forged document and stated that the earlier counsel did not cross-examine the aforesaid witnesses

on the said aspect.

The application and report of SDM, Mukerian i.e. Ex.D1 to Ex.D3 were intended to be put to the witnesses already cross-examined by the earlier counsel. Ex.D1 to Ex.D3 have not been specifically relied in the written statement filed by the defendant-petitioner.

Order 18 Rule 17 CPC is merely an enabling provision for the convenience of the Court and the same cannot be used by the parties to re-examine any witness nor fill lacuna in the case. Powers under the aforesaid provision have to be exercised very sparingly that too under exceptional circumstances. The language of Order 18 Rule 17 CPC is limited to the extent of convenience of the Court, where the Court requires such evidence to be led.

In the present case, PW1, PW2 and PW3 have already been cross-examined at length by the previous counsel on behalf of the defendant. With the change of counsel, new Advocate has preferred this application for further cross-examination of aforesaid witnesses despite the fact that Ex.D1 to Ex.D3 do not form part of written statement. In a way, intended effort is to lead evidence without there being any foundation in the written statement.

In **Surinder Kaur vs Karanbir Singh, 2004(3) RCR**

(Civil) 161 and **Ratti Ram vs Mange Ram (D) through LRs**
and others, 2016(2) RCR (Civil) 464, the purpose of provision
in terms of Order 18 Rule 17 CPC has been categorized to be of
limited scope and jurisdiction and the powers can only be
exercised by the Court itself and not at the instance of any of
the litigating party.

In view of aforesaid facts on record, I do not see any
justification to interfere with the impugned order.

This revision petition is accordingly, dismissed.

11.02.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No