



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

(131)

CR-7102-2024

Date of Decision:-**09.12.2024**

MUNICIPAL CORPORATION, KARNAL

... Petitioner

Versus

VIJAY SINGH KADAN &amp; ORS

... Respondents

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**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Pritam Singh Saini, Advocate with  
Ms. Vamika Johar, Advocate  
for the petitioner.  
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**ALOK JAIN, J.** (Oral)

1. The present petition has been filed by the petitioner/defendant No.3 challenging order dated 10.10.2024 passed by learned Civil Judge (Junior Division), Karnal (Annexure P-1), whereby the application under Section 151 Code of Civil Procedure, 1908 (in short 'CPC') for recalling PW-3 and PW-4 for cross-examination of plaintiff's witness has been declined.

2. Learned counsel for the petitioner/defendant No.3 submits that the said PWs were present on 23.01.2020, however, their cross-examination could not be conducted and the evidence on behalf of the plaintiff was closed. Learned counsel for the petitioner/defendant No.3 further submits the application for recalling of said witnesses was filed on 28.01.2020 and it has taken four years to the learned Trial Court to decide the application. He further submits that the above witnesses shall be cross-examined on one day



only but their cross-examination is very important for adjudicating the case on merits.

3. At this stage, learned counsel for the petitioner further submits that in fact the matter is listed tomorrow before the learned trial Court but the said witnesses have not been summoned as of now, therefore, one effective opportunity may be granted for cross-examination of the aforesaid witnesses. In support of his contention, learned counsel for the petitioner has relied upon judicial pronouncements titled as **Madhu Saini and Another vs. Raj Rani and another** bearing **CR-1430-2023** decided on **03.03.2023**, **Mohinder Singh vs. Satnam Singh**, **2017(3) RCR (Civil) 569** and **Ved Parkash and Another vs. Singara Singh and Others 2017(1) Law Herald 538** to state that the respondents can be compensated with cost.

4. In view of the above, issuance of notice to the respondents shall only procrastinate the trial, as the same is pending for last seven years and the learned trial Court has taken four years to decide the application for recalling of said witnesses, more so, the plaintiffs can be compensated in terms of cost.

5. Accordingly without returning any finding on the merits of the case, present petition is disposed of and the petitioner/defendant No.3 is granted one effective opportunity to cross-examine PW-3 and PW-4, subject to the cost of ₹10,000/- to be paid to each witness before their cross-examination.

**09.12.2024**  
Gaurav Sorot

**( ALOK JAIN )**  
**JUDGE**

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|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |