



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-133-2025 (O&M)

Date of Decision : 11.08.2025

Amritpal Singh

....Petitioner

VERSUS

Rahul Ahuja and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Namit Gautam, Advocate for the petitioner.

Ms. Mehak Sood, Advocate for respondent No.1.
(through hybrid mode).

None for respondent No.2 and 5 to 7.

Mr. D.S. Sidhu, Advocate for
Mr. Vikas Bali, Advocate for respondent No.3.

Mr. Abhishek Sharma, Advocate for respondent No.4.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 23.12.2024 whereby the application filed by the plaintiff-petitioner herein under Order XVIII Rule 3A of the Code of Civil Procedure, 1908 has been dismissed.

2. The brief facts relevant to the present *lis* are that the suit was filed by the plaintiff-petitioner for declaration challenging numerous sale deeds as being null and void as also for mandatory and permanent injunction. A list of witnesses was filed and subsequently an application was filed by the plaintiff-petitioner under Order XVIII Rule 3A CPC. Reply was

filed to the said application. Vide the impugned order dated 23.12.2024 the application has been dismissed. Hence, the present revision petition.

3. Learned counsel for the plaintiff-petitioner would contend that it is necessary to examine the summoned witnesses inasmuch as the sale deeds have been challenged and without the same being on the record it would not be possible for the plaintiff-petitioner to lead his evidence.

4. *Per contra* the learned counsel appearing on behalf of respondent Nos.1, 3 and 4 have pointed out that the application filed under Order XVIII Rule 3A CPC is totally bereft of any details as to who are the witnesses who are required to be summoned and for what purpose.

5. Heard.

6. Order XVIII Rule 3A CPC reads as under :

“3A. Party to appear before other witnesses – Where a party himself wishes to appear as a witness, he shall so appear before any other witness on his behalf has been examined, unless the Court, for reasons to be recorded, permits him to appear as his own witness at a later stage.”

7. A party who wishes to appear as his own witness has to appear before any other witness on his behalf can be examined. The only exception is that the Court may permit him for reasons to be recorded in writing that he may appear as his own witness at a later stage. The application filed by the plaintiff-petitioner (Annexure P-5) is bereft of any details as to who are the summoned witnesses required to step into the witness-box before he can appear as his own witness. Infact, there is not a whisper that out of the list of

24 witnesses which witnesses are required to be examined before he can step into the witness-box as his own witness. The reasons why these witnesses are to be examined before the plaintiff-petitioner steps into the witness-box are also woefully missing. In the absence of any details regarding which witness and for what reason the said witness needs to be examined, no fault can be found with the impugned order.

8. In view of the above, there is no merit in the present revision petition and the same is dismissed. Pending applications, if any, also stand disposed off.

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

11.08.2025
jk

(ALKA SARIN)
JUDGE

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