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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(290)

CR-366-2021

Date of Decision: - 20.11.2025

Ranjna Sharma and others

...Petitioners

Versus

Sita Rani and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Arun Kumar Singal, Advocate
for the petitioners.

Mr. Namit Gautam, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 31.01.2020 (Annexure P-5) passed by the Civil Judge (Senior Division), Panchkula vide which the application under Section 151 CPC for recalling Sita Rani and her GPA Kulbhushan Sharma for the purpose of further cross-examination has been dismissed.

2. It is not in dispute that respondent No.1-Sita Rani through her General Power of Attorney Kulbhushan Sharma had filed a suit for declaration with the following prayers: -

“Suit for declaration to the effect that the plaintiff has inherited 1/4th share in the estate (movable and immovable) left by



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late Sh. Sukhdev Sharma and accordingly the plaintiff is the owner of 1/4th share in the movable and immovable property left behind by late Sh. Sukhdev Sharma;

Suit for mandatory injunction directing the Defendant No.4 to transfer 1/4th share of House No.858, Sector-11, Panchkula in favour of the plaintiff;

Suit for permanent injunction restraining the Defendant Nos.5, 6 and 7 from releasing any amount beyond 3/4th share in the amount lying deposited in Savings Bank Accounts / Current Accounts / Fixed Deposit Accounts maintained by late Sh. Sukhdev Sharma in Defendant Nos.5, 6 & 7 banks as the plaintiff is lawfully entitled to 1/4th share of the amount lying in these accounts.

Further suit for permanent injunction restraining the Defendant No.8 from making the payment of the rental amount of House No.858, Sector-11, Panchkula beyond 3/4th share of the rental amount i.e. beyond ₹5250/- to Defendant Nos. 1 to 3; and

Suit for recovery of ₹5,35,732/- on the basis of oral and documentary evidence.”

A perusal of the above would show that apart from other prayers, a prayer for mandatory injunction directing the defendant No.4 to transfer 1/4th share of house in question and for recovery of Rs.5,35,732/- was also made. The petitioners were impleaded as defendants No.1 to 3 in the suit.

3. It is further not in dispute that after the written statement had been filed by the petitioners/defendants No.1 to 3, the plaintiff had led his entire evidence and had also produced on record certified copies of



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documents Ex.PX, Ex.PY/1 to Ex.PY/3 and Ex.PZ1 to Ex.PZ/2. The zimni order dated 12.04.2019 vide which the said documents were tendered and were duly exhibited is reproduced herein below: -

“Present:- Sh. Ajay Kaushik, Counsel for the plaintiff.

Shri Sameer Sethi, Counsel for defendants no.1 to 3.

Shri Chand Deep Jindal, Counsel for defendant no.5.

(defendant no.5 already off v.o.d. 11.08.2017)

Defendants no.4, 6 and 7 proceeded against ex-parte.

Defendant no.8 proceeded against ex-parte v.o.d.

24.08.2016.

*Sh. Sanjay Bansal, Advocate (LC) has suffered a statement that on 06.04.2019 plaintiff Sita Ram was cross-examined by defendant No. 1 to 3. Thereafter Sh. Kulbhushan Sharma, i.e. General Power of Attorney holder of plaintiff has closed the evidence on behalf of plaintiff **after tendering documents Ex.PX, Ex.PY/1 to Ex.PY/3 and Ex.PZ1 to Ex.PZ/2 in affirmative**, vide separately recorded statement. Heard. In view of the same, to come upon 01.05.2019 for Dws.*

(Rohit Watts)
ACJ(SD)/PKL
HR0215

Date of Order: 12.04.2019

Next Date: 01.05.2019”

A perusal of the above would show that counsel for the petitioners/defendants No.1 to 3 was also present and no objection was raised by the said counsel to the mode of proof, or any other aspect, or to the exhibition of the said documents. It has not been disputed that the plaintiff Sita Rani and Kulbhushan Sharma had already been examined and due opportunities to cross-examine the said witnesses were given to

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the petitioners. Subsequently, the petitioners had moved an application under Section 151 CPC for permitting them to cross-examine plaintiff Sita Rani and her GPA Kulbhushan Sharma with respect to the above said documents. Although, the prayer made in the application was in such a manner that it seemed that the plaintiff Sita Rani and Kulbhushan Sharma had not been earlier examined but it could not be disputed before this Court that actually the said witnesses were sought to be recalled for the purpose of further cross-examination. The said application was opposed on the ground that the evidence of the plaintiff had been closed in affirmative after tendering certified copies of the Court orders etc. and they were duly exhibited. It was further stated that the documents were certified copies of the court orders etc. and were admissible in evidence without proof and that there was no requirement of any witnesses to be examined much less cross-examined with respect to the same.

4. The application filed by the petitioners was dismissed by the trial Court vide order dated 31.01.2020 by observing that the documents which had been exhibited were certified copies of the court orders etc. which bear presumption of genuineness and did not warrant the formal proof by examining/cross-examining the deponents and that the said documents were not executed by the witness so as to require cross-examination of the executant/said witness.

5. It would be relevant to note that earlier the suit was filed before the Court at Chandigarh and subsequently, vide order dated 03.11.2015 passed by the Co-ordinate Bench of this Court in CR-6989-



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2014 which was decided on 03.11.2015, the plaint in the said case was ordered to be returned for presentation before the competent court of jurisdiction at Panchkula. The said order dated 03.11.2015 is reproduced herein-below: -

*“Civil Revision No.6989 of 2014
Date of decision:03.11.2015*

Ranjna Sharma and others *Petitioners*

versus

Sita Rani and others *Respondents*

CORAM: HON’BLE MR. JUSTICE K. KANNAN

*Present: Mr. Arun Singal, Advocate,
for the petitioners.*

*Mr. Namit Gautam, Advocate,
for respondent No.1.*

*Mr. Ritesh Kumar Bansal, Advocate,
for respondent No.4.*

K.Kannan, J. (Oral)

1. *The order passed is required to be set aside since admittedly the only immovable property is situate in Panchkula outside the jurisdiction of the court at Chandigarh. **The plaint is ordered to be returned for presentation before the competent court of jurisdiction at Panchkula. On such presentation, there can be no objection taken with reference to the jurisdiction of the court at Panchkula for all the reliefs asked in the plaint.***

2. *Civil revision is allowed and ordered as above.*

03.11.2015”

6. Subsequent to the same, the proceedings were transferred to the competent court at Panchkula and are continuing there. Ex.PX (colly.)



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which have been produced and exhibited on record are the zimni orders passed in the case at the time when the same was pending at Chandigarh. Ex.PY1 is an order passed by the Rent Controller, UT, Chandigarh in the case of Hindraj Singh Bassi Vs. Sukhdev Sharma. Ex.PY/2 is the amended memo of parties in the said case. Ex.PY/3 is the application filed by the petitioners for impleading legal representatives of Sukhdev Sharma. Ex.PZ/1 to Ex.PZ/2 are the orders passed in the said rent petition.

7. From the above, it is apparent that all the above-said documents are a part of the judicial record and the certified copies have been produced and are thus, *per se*, admissible in evidence.

8. Learned counsel for the petitioners has submitted that the said documents are not relevant for the purpose of adjudication of the case and it is for the said reason that the petitioners want to put the said documents to the above-said two witnesses and since the said documents were produced subsequent to the examination of the said two witnesses, thus, the application was filed for further cross-examination of the said two witnesses.

9. Learned counsel for the respondent No.1, on the other hand, has submitted that the said documents were duly exhibited in the presence of the counsel for the petitioners/defendants No.1 to 3 who had not raised any objection with respect to mode of proof or relevancy. It is further submitted that plaintiff Sita Rani has already died and thus, the question of her being recalled for cross-examination does not arise. It is stated that



there is no vested right in a party to seek recall of a witness.

10. This Court has considered the arguments raised on behalf of the petitioners and is of the opinion that the impugned order deserves to be upheld with a slight clarification.

11. A perusal of the zimni order dated 12.04.2019 which has been reproduced herein above would show that at the time when the said documents were exhibited, no objection was raised by the counsel for the petitioners/defendants No.1 to 3, who was present, to either the mode of proof or to the exhibition of the said documents. The said documents are certified copies of the Court record and are thus, *per se*, admissible in evidence. Sita Rani has already died and thus, the question of recalling her does not arise. Moreover, a perusal of provision of Order 18 Rule 17 CPC which is reproduced herein below would show that the recalling of a witness is the power of the Court and the said provision does not give any vested right to any party to seek recalling of a witness. The Order 18 Rule 17 CPC is reproduced herein below:-

“17. Court may recall and examine witness. -- The court can at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.”

12. The trial Court has thus rightly passed the impugned order dated 31.01.2020 which deserves to be upheld. However, it is clarified that the question as to whether the said documents are relevant or not would be considered by the trial Court at the time of final adjudication of the case after hearing the parties concerned and after considering the

entire material on record.

13. Keeping in view the above-said facts and circumstances, the impugned order has been rightly passed and the present revision petition is dismissed with the above-said clarification.

November 20, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes