



CR-1027-2025

-1-

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

(122)

CR-1027-2025

Date of Decision: - 18.02.2025

Ram Chand (since deceased) through LRs**....Petitioner****Versus****Swaran Kaur and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Nitin Sachdeva, Advocate, for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 16.01.2025 (Annexure P-6) passed by the Civil Judge (Jr. Division), Ludhiana in CM No.29 of 2014 titled as "Ram Chand through LRs Vs. Swaran Kaur and others", whereby the application (Annexure P-4) moved by respondent No.2 under Order 18 Rule 3-A read with Section 151 CPC for permission to the defendant No.2 to examine himself after examination of other witnesses, has been allowed.

2. A perusal of the impugned order would show that the application filed by defendant No.2 to examine other witnesses i.e., Handwriting and Finger Print Expert, Concerned Clerk from the office of Sub-Registrar, Ludhiana and Head Registrar, Clerk Office of Deputy Commissioner, Ludhiana, has been allowed by observing that it is the



CR-1027-2025

-2-

case of the defendant that forgery has been committed by the plaintiff by entering digit '0' with digit '8' and the said forgery is to be proved by the official witnesses. It has further been opined by the trial Court that it is in the interest of justice to grant permission to the defendant No.2 to appear as a witness after the witnesses mentioned in the application under Order 18 Rule 3A read with Section 151 CPC and has also observed that no rights of the petitioner are going to be prejudiced by allowing the same. It has been clarified that only three opportunities would be granted to defendant No.2 to conclude his evidence. It is the said order which has been challenged in the present revision petition.

3. Order 18 Rule 3A CPC is reproduced 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.”*

4. A perusal of the above provision would show that there is a power with the Court, for reasons to be recorded, to permit the party to appear as his own witness at a later stage. The said power has been exercised by the trial Court in the present case for valid reasons and the said order does not call for any interference.

5. The Hon'ble Supreme Court in the case of “**Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil**”, reported as (2010) 8 **Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under



CR-1027-2025

-3-

Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

6. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

(VIKAS BAHL)
JUDGE

February 18, 2025
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	Yes