



CR No. 5604 of 2025 (O&M) -1-

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5604 of 2025 (O&M)
DATE OF DECISION: 21.08.2025

KAMAL

.....PETITIONER

Vs.

TULLA (SINCE DECEASED) THROUGH HIS LRS AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Abhishek Goyal, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India by the petitioner-plaintiff, is for setting aside the impugned order dated 17.07.2025 (Annexure P-12), passed by the learned Additional Civil Judge (Senior Division), Faridabad, (for short 'the trial Court') whereby the application filed by newly impleaded defendant No. 4, seeking recalling and cross-examining the witnesses of the plaintiff, who had already been cross-examined by the original defendants, has been allowed.

2. Brief facts of the case are that the petitioner-plaintiff, along with some other persons, filed a suit for declaration with consequential relief of permanent injunction, stating therein that they are owners in possession of the suit property comprising land bearing '*Khasra*' Nos. 1303 and 1304, situated within '*Mauza Garhi Mohalla*', Old Faridabad, known as Rajeev Nagar in Sector 18, Housing Board Colony, Faridabad, in



favour of Late Umrao Singh, grandfather of the petitioner-plaintiff. The plaintiffs had deposited the tentative price and other relevant charges and are residing therein and carrying on their business in the shops.

2.1 Defendant No. 1, Tulla (since deceased), without any authority, executed a transfer deed dated 28.05.2014 in favour of his son, defendant-respondent No. 2, Ram Singh. On the basis thereof, the mutation was sanctioned.

2.2 Notice of the suit was issued to defendants No. 1 and 2, and they filed their written statement. From the pleadings of the parties, issues were framed. Thereafter, the petitioner-plaintiff examined his witnesses and closed his evidence on 04.01.2019. The defendants also concluded their evidence on 21.02.2019, and the case was fixed for rebuttal evidence and arguments.

2.3 During the pendency of the case, defendant No. 2 sold the property to Ashok Kumar, vide sale deed dated 12.03.2019. Thereafter, on 06.08.2024, the learned lower Court impleaded the said Ashok Kumar as defendant No. 4. Subsequently, defendant No. 4 filed an application for recalling the witnesses of both the plaintiffs and the defendants for his cross-examination, which was allowed vide order dated 17.07.2025 (Annexure P-12), the order under challenge herein.

3. It is contended by learned counsel for the petitioner that the learned lower Court has failed to appreciate that impleadment of defendant No. 4 was allowed despite the transfer being *pendente lite*, which in law does not confer upon him any superior right to reopen concluded evidence. Once a witness has been examined, cross-examined, and discharged,



recalling for further cross-examination is permissible only for a limited purpose as provided under Order XVIII Rule 17 Code of Civil Procedure, 1908. The rights of defendant No. 4, if any, are subservient to the rights being adjudicated in the main suit, and he steps into the shoes of defendant No. 2 with all consequences, including the bar on reopening concluded proceedings. Thus, it is submitted that the order dated 17.07.2025 (Annexure P-12) is illegal, as the learned lower Court ought not to have permitted defendant No. 4 to cross-examine the witnesses of both the plaintiffs as well as defendants No. 1 and 2.

4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents as it would delay the proceedings besides entailing additional expense to them.

6. After hearing learned counsel for the petitioner, as discussed above, it is evident that defendant No. 4 Ashok Kumar was impleaded by the learned lower Court after he had purchased the suit property from defendant No. 2. Admittedly, when defendant No. 4 was impleaded, the witnesses of both the plaintiffs and defendants had already been examined. Meaning thereby, defendant No. 4 never had any opportunity to cross-examine the witnesses of the plaintiffs and defendants No. 1 and 2. Since the valuable rights of defendant No. 4 are involved in the suit, this Court is of the view that the learned lower Court rightly allowed the said application for cross-examination of the witnesses. Moreover, the Court can adjudicate the case effectively only when proper evidence is led before it.



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7. Thus, this Court finds no merit in the prayer for setting aside the order dated 17.07.2025 (Annexure P-12), passed by the learned Additional Civil Judge (Senior Division), Faridabad.

8. Finding no illegality in the order dated 17.07.2025 (Annexure P-12), the present revision petition, being devoid of merit, is accordingly dismissed.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 21, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking

Yes/No

Whether Reportable

Yes/No