



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

123

CR-2385-2026

Date of decision: 08.04.2026

Rajiv Lochan Gautam and Another

...Petitioners

Versus

Ravi Kant and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Harkirat Kaur, Advocate, for
Mr. Sandeep Arora, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, 1950, for setting aside the impugned order dated 05.03.2026 passed by the learned Civil Judge (Jr. Divn.), NRI Court, Jalandhar (Annexure P-5), whereby the application filed by the petitioners for rejecting/discarding the affidavit of PW-5 Ravi Kant in Civil Suit No. 4233 of 2023 titled as "*Ravi Kant and another versus Rajeev Lochan Gautam and another*" has been dismissed.

2. The brief facts of the case are that respondent No.1-Ravi Kant, along with another, instituted a suit for possession of the suit property and also sought a declaration to the effect that they are joint owners thereof. In addition, relief of recovery of mesne profits as well as permanent injunction against the present petitioners and others in respect of the suit property was also prayed for. Upon notice, the present petitioners appeared and contested the suit by filing their written statement. Thereafter, issues were framed and the case was fixed for evidence of the respondents/plaintiffs. Further, in



terms of interim order dated 29.01.2026, PW-3 Sohan Lal, being the Special Power of Attorney holder of respondent No.1-Ravi Kant, appeared before the Court and was duly and completely cross-examined. On the same day, respondent No.1-Ravi Kant appeared as PW-5 and was examined-in-chief, however, his cross-examination was deferred. Thereafter, the present petitioners moved an application before the learned trial Court for rejecting/discarding the affidavit of PW-5 Ravi Kant. Notice of the said application was issued to the respondents/plaintiffs, who contested the same by filing their reply. Upon hearing learned counsel for the respective parties, the learned Civil Judge (Jr. Divn.), Jalandhar, dismissed the application filed by the present petitioners seeking rejection/discarding of the affidavit of PW-5 Ravi Kant (respondent No.1 herein).

3. Learned counsel for the petitioners contends that once respondent No.1-Ravi Kant had appointed his Special Power of Attorney holder, namely PW-3 Sohan Lal, who was duly cross-examined on 29.01.2026, respondent No.1 could not thereafter tender his own affidavit as PW-5, inasmuch as he had already examined his attorney, Sohan Lal, as PW-3. Rather, respondent No.1—Ravi Kant was present in Court on 29.01.2026 and was observing the proceedings. After the cross-examination of PW-3 Sohan Lal had concluded, respondent No.1 sought to tender his affidavit in an attempt to fill up the lacuna in his case, which is not permissible in the eyes of law. It is, thus, respectfully submitted that the impugned order dated 05.03.2026 deserves to be set aside, and the affidavit so tendered by respondent No.1—Ravi Kant be rejected/discarded, as he



has already examined his Special Power of Attorney holder, namely PW-3 Sohan Lal.

4. I have heard learned counsel for the petitioner and have perused the paper book with his able assistance.

5. After hearing the submissions of learned counsel for the petitioners and in view of the discussion made hereinabove, it is evident that respondent No.1—Ravi Kant had executed a Special Power of Attorney in favour of PW-3 Sohan Lal, who was duly examined on 29.01.2026. On the same day, respondent No.1—Ravi Kant himself appeared as PW-5 and tendered his affidavit in evidence. Though much hue and cry has been raised before this Court that once PW-3 Sohan Lal, being the Special Power of Attorney holder of respondent No.1, had been examined, the affidavit of PW-5 Ravi Kant ought not to have been taken on record, however, this Court is of the considered view that there is no statutory provision which bars a party from tendering his own affidavit merely on the ground that his Power of Attorney holder has already deposed on his behalf. It is well settled that a Power of Attorney holder can depose only to the extent of acts performed by him or facts within his personal knowledge. Furthermore, this Court is of the considered view that a party to the proceedings is always a competent witness in his own cause. It is also pertinent to note that nothing was brought to the notice of the learned trial Court to demonstrate that by filing his affidavit, respondent No.1—Ravi Kant intended to fill up any lacuna after the examination of his Special Power of Attorney holder, namely PW-3 Sohan Lal. Thus, this Court is of the opinion that there is no statutory bar preventing a plaintiff



from tendering his own affidavit in evidence even after his Power of Attorney holder has already deposed. Consequently, the learned trial Court, upon due appreciation of the aforesaid facts, has rightly dismissed the application seeking rejection/discarding of the affidavit of respondent No.1/PW-5—Ravi Kant.

6. In view of the aforesaid discussion, no illegality or perversity is found in the impugned order dated 05.03.2026 passed by learned Civil Judge (Jr. Divn.), NRI Court, Jalandhar, so as to warrant interference by this Court. Accordingly, the present revision petition stands dismissed.

7. Pending applications, if any, shall stand disposed of.

April 08, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No