



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3989-2026 (O&M)
Date of decision: 12.05.2026

ISHAN SHARMA

. . . . Petitioner

Vs.

Ravinder Singh

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rohit Rana, Advocate, for
Mr. Aslam, Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)**CM-9900-CII-2026**

Application is allowed as prayed for.

CR-3989-2026

Petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 bearing Rent Case No.51 of 2019 titled '*Ravinder Singh versus Ishan*', instituted by the landlord seeking ejectment of tenant-Ishan from the demised premises, is pending before learned Rent Controller, Pathankot.

2. After conclusion of the evidence on behalf of the landlord, the matter was fixed for tendering of documents and evidence on behalf of the tenant. At that stage, the petitioner-tenant moved an application under Order XVIII Rule 17 CPC seeking recall of AW-1 Ravinder Singh, the landlord, for further examination/cross-examination. The said application has been dismissed by learned Rent Controller vide impugned order dated 24.04.2026 (*Annexure P-2*), which is under challenge in the present revision petition.

3. Learned counsel for the petitioner contends that although AW-1 Ravinder Singh had earlier been cross-examined at length, certain material questions touching the core controversy could not be put to the witness due to inadvertence and *bona fide* oversight on the part of the counsel. It is argued that the power under Order XVIII Rule 17 CPC is discretionary in nature and is

intended to enable the Court to arrive at a just decision. Therefore, according to learned counsel, the learned Rent Controller ought to have exercised such discretion in favour of the petitioner.

4. This Court has considered the submissions advanced by learned counsel for the petitioner and has perused the impugned order.

5. Order XVIII Rule 17 CPC confers limited power upon the Court to recall and examine a witness if such course is considered necessary for clarification of any issue or for enabling the Court to effectively adjudicate the matter. The provision cannot be invoked as a matter of routine to fill up omissions in evidence or to provide a party with an opportunity to improve upon its case after conclusion of cross-examination.

6. In the present case, the record reveals that AW-1 Ravinder Singh had already been thoroughly examined and cross-examined by the petitioner. The petitioner had sufficient and adequate opportunity to put all relevant questions to the witness during the course of such cross-examination. Significantly, the application seeking recall of the witness was moved only after the landlord had concluded his entire evidence and the matter had reached the stage of defence evidence.

7. The application itself does not disclose any exceptional circumstance warranting recall of the witness. Mere assertion that certain questions could not be put due to inadvertence or oversight, without specifying any compelling reason or demonstrating that such questions are indispensable for adjudication of the controversy, does not constitute sufficient ground for exercising power under Order XVIII Rule 17 CPC.

8. The learned Rent Controller has rightly observed that the application appeared to be an attempt to prolong the proceedings, which were already at an advanced stage. It is a settled principle that procedural provisions cannot be permitted to be used in a manner that results in unnecessary delay or abuse of the process of Court.

9. This Court does not find any jurisdictional error, illegality or perversity in the exercise of discretion by the learned Rent Controller while dismissing the application moved by the petitioner.
10. Consequently, finding no merit in the present petition, the same is hereby dismissed.
11. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

12.05.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>