

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

**CR-8097-2019 (O&M)**

**Date of Decision: January 22, 2026**

Joga Singh

...Petitioner

Versus

Punjab Agro Industries Corporation Ltd.

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Arvind Kashyap, Advocate  
for the petitioners.

Mr.Saurabh Arora, Advocate  
for the respondent.

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**ARCHANA PURI, J.**

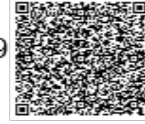
Challenge in the present revision petition is to the order dated 02.12.2019 (Annexure P-1) passed by learned trial Court, whereby, an application filed by the respondent-plaintiff for re-examination of petitioner-defendant Joga Singh was allowed.

In pursuance of the notice issued, the respondent made appearance through counsel.

Counsel for the parties heard.

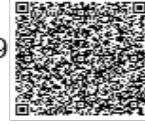
The facts germane, to be noticed, are as herein given:-

That, initially, respondent-plaintiff Punjab Agro Industries Corporation Ltd., had a filed a suit for recovery against Joga Singh. During the pendency of the said suit, Joga Singh-defendant himself stepped into



witness box as DW-1 and his cross-examination was also conducted, copy whereof, has been brought on record. When the case was at the stage of rebuttal evidence, an application for re-examination in cross of DW1 Joga Singh was filed by the respondent-plaintiff. Therein, it was asserted that during the cross-examination of DW1 Joga Singh, he denied his signatures on the document Mark P-2, which is photocopy of the order dated 06.04.2011 and similar question regarding his signatures on the certificate dated 17.05.2011, which is Mark P-4, was also denied. Also, it was asserted that the plaintiff could not ask Joga Singh, about his signatures on the original documents i.e. office order dated 06.04.2011 and certificate dated 17.05.2011 (Mark P-2 and P-4) by showing the same to him, as in those days, the file of Joga Singh was locked with other files, due to shifting of the office record, on account of change of office address of the plaintiff and later on, the said file was sent to the head office, on the instructions of the head office. Reply to the said application was filed and after hearing counsel for the parties, vide impugned order, the application, as such was allowed.

At the very outset, it is pertinent to mention that Joga Singh, defendant-petitioner, had himself appeared as his own witness as DW-1. His cross-examination was conducted by counsel for the respondent-plaintiff. Copy of the same is placed on the record. Close perusal of the same reveals that both the documents, on the basis whereof, a prayer for recall of the witness had been made, were put to the said witness, in his cross-examination. At the time of conducting of the cross-examination, it was only the photocopies of the documents which were put to the witness. At that time, no prayer was made, at the instance of the respondent-plaintiff,

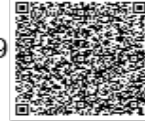


about inability to produce the original documents. In fact, they had conducted cross-examination, on the basis of the photocopies coming on record and the photocopies were shown to the said witness and thereupon, he did not identify his signatures on the said documents. No objection, even upon this answer coming forth, was raised by the respondent-plaintiff.

Part cross-examination was conducted on 01.08.2019 and further, cross-examination was deferred, as the witness was stated to be not feeling well. Subsequent cross-examination was conducted on 02.09.2019. At the time of deferring the cross-examination, no prayer was made for the adjournment, to put forth the original documents to the witness. Subsequently, on the next date also, the documents, as such, were also not produced.

In the light of the same, once the photocopies of the documents, without bringing it to the notice, about the inability to produce the original, was put to the witness concerned and the requisite answer to the same had come forth, wherein he had categorically denied his signatures, on both the requisite documents dated 06.04.2011 and 17.05.2011, therefore, as such, question does not arise about recall of the said witness, for putting up the original documents to the witness, again in cross-examination, more particularly, when inability, at the relevant time, while conducting the cross-examination, was never brought to the notice of the Court, in any manner.

In the application, there is no mention made, about the provision under which the application was filed. But anyhow, considering the provision under Order 18 Rule 17 CPC, the same is not attracted to the case in hand, as the same relates to exercise of inherent powers by the

**CR-8097-2019****-4-**

Court, to recall the witness for examining, cross-examining or re-examining. This Rule is strictly for the Courts' use, to clarify ambiguities in evidence or statements and on the basis thereof, no cross-examination on the answers given during the re-call, can be conducted, except with the leave of the Court.

Thus, this provision, as such, does not come to the assistance of the respondent-plaintiff to seek recall of the witness for further cross-examination. Even, the witness could be called by virtue of Section 151 CPC, but however, the same also has to be considered only, while considering the facts and circumstances, spelt out, in each case. It is not the case of the respondent-plaintiff that these documents were never in the notice of the respondent-plaintiff, at the relevant time or the same were not available, at the relevant time.

Moreover, when cross-examination has been conducted, on the basis of the photocopies of the requisite documents, without expressing their inability to produce the original and the answer of denial of signatures, as such, had come, now, no case is made out, to further conduct cross-examination, in the light of the of answers, having coming forth, on the photocopies of the documents,

Hence, the revision petition is hereby accepted and the impugned order is set aside. Consequently, the application filed by the respondent-plaintiff stands dismissed.

**January 22, 2026**

Vgulati

Whether speaking/reasoned  
Whether reportable

**(ARCHANA PURI)****JUDGE****Yes****Yes/No**