



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-7521-2025 (O&M)

KAUR SINGH GREWAL

.....Petitioner

Vs.

GURDEEP KAUR AND ORS.

.....Respondents

Reserved on : 18.02.2026

Pronounced on: 25.02.2026

Uploaded on: 25.02.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. B.B.S. Sobti, Advocate (through v.c.)
Ms. Savpreet Gujral, Advocate
for the petitioner.

Mr. Gagandeep Singh Virk, Advocate
for respondent No.1(a).

Mr. Namit Gautam, Advocate
for respondent No.2.

SUDEEPTI SHARMA J.

1. The challenge in the present revision petition is to order dated 01.10.2025 vide which two applications were allowed.

2. Learned counsel for the petitioner contends that learned Civil Judge (Junior Division), Ludhiana has wrongly allowed the applications filed by the respondents. He therefore, prays that the present revision petition be allowed.

3. Per contra, learned counsel for respondents contends that the applications were rightly allowed by learned Civil Judge (Junior Division), Ludhiana, therefore, he prays that the present revision petition be dismissed.



4. I have heard learned counsel for the parties and perused the whole file of the case with their able assistance.

5. The first application was filed under Section 151 read with Order XVIII Rule 17 of the Code of Civil Procedure, 1908 (in short 'CPC') for recalling the order dated 25.04.2024. vide which oral evidence of defendants no.1[a] and 4 was closed by order and for recalling DW-2 for his cross-examination by the plaintiff. The second application was filed for permission to get recorded statement of Harjit Singh son of Baljit Singh Deol son of Nikka Singh Deol through video conferencing.

6. So far as the first application filed under Section 151 read with Order XVIII Rule 17 of CPC for recalling of order dated 25.04.2024 is concerned, the same was filed by mentioning therein that plaintiff had filed false and frivolous suit on 02.06.2005. The issues were framed on 23.09.2014 and thereafter, the case was fixed for evidence of plaintiff for 18.10.2014. The plaintiff was granted numerous opportunities for his evidence and the Court closed the evidence of the plaintiff on 13.2.2024 by order and the case was adjourned to 19.2.2024 for defendants' evidence. On 19.2.2024 defendants No.1 and 4 examined two witnesses DW1 Baljinder Singh and DW2 Tejinder Singh and the case was adjourned to 27.2.2024 for cross-examination of both the witnesses. On 27.2.2024 learned counsel for defendant No.2 partly cross-examined DW-2 Tejinder Singh and on the same day, counsel for the plaintiff moved an application for directing the defendants to produce the documents for effective cross-examination and the said application was disposed of with the direction to the counsel for plaintiff to cross-examine the witness on the next date of hearing. The



counsel for the plaintiff also moved another application for summoning the record for effective cross-examination of witness and the same was also disposed of with the direction to the plaintiff for bringing the record at his own responsibility for cross-examination of witness and the case was adjourned to 1.3.2024. On 1.3.2024 both DW-1 and DW-2 were present and cross-examined by the counsel for defendant No.2 and cross-examination of both witnesses were deferred on the request of plaintiff and the case was adjourned to 6.3.2024. On 6.3.2024 DW1 Baljinder Singh was present and was cross-examined by counsel for the plaintiff and his further cross-examination was deferred for 13.3.2024. On 13.3.2024 DW1 Baljinder Singh was present and partly cross-examined by the counsel for plaintiff and case was adjourned to 19.3.2024 for further cross-examination and for entire evidence of defendants. On 19.3.2024 DW1 was present and partly cross-examined and his further cross-examination was deferred for 5.4.2024. On 5.4.2024 DW1 was present but he could not be cross examined due to non-availability of his counsel and the case was adjourned to 25.4.2024. On 25.4.2024 Baljinder Singh DW1 was present but he was not feeling well and requested for an adjournment and accordingly the case was adjourned to 30.4.2024. The Order dated 25.4.2024 is reproduced as under:

"Witness Baljinder Singh got recorded his separate statement that he is not feeling well and requested for an adjournment. On the other hand, learned counsel for the plaintiff Sh. B.B.S. Sobti is present and ready for cross examination. Request heard and allowed. It is made clear that if the witness failed to appear on the next date of hearing for his cross examination then appropriate order will be passed, even otherwise, he will not be cured from



his ailments, he is directed to supply medical certificate to this Court from qualified doctor. No other DW is present nor any request is made by the defendants. Perusal of the file would reveal that this court has granted sufficient opportunities but defendant is failed to do so. In such circumstances, oral evidence of defendant is hereby closed by order except cross-examination of present DW only. Now case is adjourned to 30.04.2024 or cross-examination of present DW and for documentary evidence, if any."

7. On 30.4.2024 DW-1 was present and partly cross-examined and thereafter the case was adjourned to 13.5.2024, 29.5.2024, 3.7.2024, 12.7.2024, 25.7.2024, 7.8.2024, 17.8.2024, 30.8.2024 for further cross examination of DW1. Cross examination of DW-1 Baljinder Singh was being conducted by the counsel for plaintiff and affidavit of DW-2 Tejinder Singh was already on the court file and his cross examination was deferred on 1.3.2024 on the request of counsel for the plaintiff. The cross examination of DW1 was completed by the counsel for the plaintiff on 7.2.2025. Incidentally and due to inadvertence, on 25.4.2024 oral evidence of defendants was ordered to be closed. The case was never adjourned for cross examination of DW-2 Tejinder Singh as DW-1 Baljinder Singh remained under cross examination on various dates till 7.2.2025. There are sufficient grounds to recall the order dated 25.4.2024 as the Court is to impart justice between the parties. Moreover, DW2 was cross examined by counsel for defendant no.2 and his cross examination was deferred on the request of counsel for the plaintiff as mentioned above and as mentioned in the zimni orders. Closing of evidence is docket order and can be recalled/reviewed.



Valuable property rights of defendants are involved in the suit and in case DW-2 is not fully cross examination, serious prejudice shall be caused to the defendants/applicants. Moreover, no prejudice shall be caused to the plaintiff as he has ample opportunity to cross examination DW-2.

8. Reply to the application was filed objecting to the application on the ground of maintainability and further denying the averments in the applications.

9. After considering the facts in the application, the same was allowed.

10. A perusal of the file shows that order dated 15.07.2025 and 25.04.2024 were set aside by this Court vide order dated 13.08.2025 passed in CR-5327-2025 (O&M), therefore, I do not find any infirmity in order dated 01.10.2025 passed by learned Civil Judge (Junior Division), Ludhiana, vide which application under Order XVIII Rule 17 of the CPC was allowed.

11. The second application is filed for permission to get recorded statement of Harjit Singh son of Baljit Singh Deol son of Nikka Singh Deol, at present resident of 15501-91, Avenue Surrey, British Columbia, Canada (Whatsapp No.+1 (604)725-3000), through video conferencing wherein it is submitted that the defendant no.2 is working and residing in Canada and he is not able to immediately come to India for the purpose of recording his evidence, as he could not get leave. The defendant no.2 undertakes to tender his affidavit of evidence in his examination after attesting the same from Notary Public in Canada. That no prejudice would be caused to the plaintiff, if the application is allowed.



12. The petitioner filed reply to the same by objecting the same and denying the averments made in the application.

13. Learned Civil Judge (Junior Division), Ludhiana after taking into consideration the High Court Rules and Orders with respect to recording of deposition of witnesses through video conferencing, allowed the application, therefore, I do not find any infirmity in the same.

14. This Court in **CR-1970-2022, titled as Kulwant Singh Vs. Jaswinder Kaur and others, decided on 09.10.2025** has held that examination of witnesses through video conferencing can be allowed in civil cases, especially when the witnesses face significant health issues or are unable to travel due to practical constraints. Necessary precautions must be taken to ensure identity verification and the accuracy of the equipment used.

15. In the present case, since defendant No.2 is working in and is residing in Canada and is not getting leave, therefore, it would be in the interest of justice if he be accommodated and allowed to appear through video conferencing.

16. In view of the above, I do not find any infirmity in the order dated 01.10.2025 passed by learned Civil Judge (Junior Division), Ludhiana and the same is hereby affirmed.

17. Accordingly, the revision petition is dismissed.

18. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

25.02.2026

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Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No