



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

137

CR-9915-2025 (O&M)
Date of decision:15.01.2026

ROHAAN WADHWA

...PETITIONER

VERSUS

SGT UNIVERSITY

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dhruv Chawla, Advocate through VC
for petitioner.

PARMOD GOYAL, J. (ORAL)

Petitioner-plaintiff is aggrieved by impugned order dated 26.11.2025 (Annexure P-1) passed by Civil Judge (Senior Division), Gurugram vide which application u/s 114 r/w Order XVIII Rule 17 and Section 151 Code of Civil Procedure, 1908 preferred by petitioner-plaintiff for recalling proceedings dated 16.09.2024, expunging the entire testimony of PW-1-Sh. Padmakar Mishra and for re-summoning said witness only for production of documents, was dismissed.

2. Petitioner-plaintiff had filed a suit for recovery, which is stated to be pending in the Court of Civil Judge (Senior Division), Gurugram. The matter was fixed for petitioner's-plaintiff's evidence and for said purposes, petitioner-plaintiff had summoned official from office of respondent-university. Petitioner-plaintiff had moved an application for depositing diet money of witness and prayed that witnesses, stated in application, be summoned. In pursuance of summons issued by the Court on the request of petitioner-plaintiff, Sh. Padmakar Mishra, Joint Registrar appeared on 09.08.2024. On 09.08.2024 matter was adjourned to 16.09.2024 for



examination of Sh. Padmakar Mishra with direction that Sh. Padmakar must bring the records. On 16.09.2024, said witness was examined as PW-1. He was administered oath, made his statement in examination-in-chief and was cross-examined by defendant. Learned Court has duly noted in impugned order that entire examination was conducted in the presence of petitioner-plaintiff and his counsel without any protest.

3. Subsequently, petitioner-plaintiff had preferred an application u/s 114 r/w Order XVIII Rule 17 r/w Section 151 Code of Civil Procedure, 1908 claiming that the evidence of witness, Sh. Padmakar Mishra recorded as PW-1 on 16.09.2024 be expunged and he be summoned only for production of documents. Learned Court of first instance rejected the plea raised on behalf of petitioner-plaintiff on the ground that once witness has been examined in presence of petitioner-plaintiff and his counsel and no objection was taken for his examination, then simply because unfavourable cross-examination was made, the evidence of witness cannot be expunged.

4. Learned Court of first instance has rightly held that Order XVIII Rule 17 of Code of Civil Procedure, 1908 gives power to Court to recall witness (either *suo motu* or on application) only for limited purpose of clarification by putting Court questions and not for permitting any party to further examine-in-chief, cross-examine or re-examine the witness. The Court has further concluded that no such situation has arisen in the present case.

5. On consideration, I do not find any error in the conclusion drawn by Court of first instance. Once witness has been summoned by petitioner-plaintiff, administered oath, examined in chief, put to cross-examination, his



testimony cannot be erased by seeking expunging or review. No case of review for the reasons stated by petitioner-plaintiff is made out.

6. At this stage, learned counsel for petitioner-plaintiff submits that he be granted permission to cross-examine witness as the witness has made statements which are against the interest of petitioner-plaintiff, however, I do not intend to interfere in present case as no such prayer was made before the Court of first instance. Petitioner shall be free to take remedy available to him in law.

7. Present revision petition is without any merit, hence dismissed.

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

(PARMOD GOYAL)
JUDGE

15.01.2026

Sunil Chander

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