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

(386)

CR-5816-2023

Date of decision: - 30.09.2025

Gulshan Kumar Verma

....Petitioner

Versus

Charanveer Singh Dandass

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jasmeet Singh Bhatia, Advocate, and
Mr. Gurkirat Singh Bindra, Advocate,
for the petitioner.

Ms. Shubreet Kaur, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed by the tenant under Article 227 of the Constitution of India for setting aside the order dated 04.09.2023 (Annexure P-14) passed by the Rent Controller, Sangrur, vide which the application dated 10.05.2023 (Annexure P-12) filed by the petitioner for recalling the witnesses of the landlord/respondent for further cross-examination has been dismissed.

ARGUMENTS ON BEHALF OF THE PETITIONER

2. Learned counsel for the petitioner has submitted that in the present case, the respondent-landlord, in a petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be

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referred as “1949 Act”), has stated that he is not occupying any other building in the urban area of Sangrur except the shop in dispute. It is further submitted that it was a specific case of the petitioner in the written statement, more so, in para 3-C to the effect that there are two other shops in the ownership of the respondent-landlord which were let out to different persons. It is submitted that the said aspect was denied in the replication and thereafter, the petitioner had moved an application for amendment to insert additional objection No.7 on the aspect that the respondent-landlord had got the possession of one of the two shops vacated from the tenant, namely, Dinesh Kumar alias Dessa and had rented out the same to one Lovepreet, son of Rajinder Kumar. It is further submitted that the said amendment was allowed and thereafter, the petitioner had filed an application dated 27.04.2023 for recalling all the witnesses PW-1 to PW-4, for the purpose of re-cross examination of PW-1 to PW-3 and for the purpose of cross-examination of PW-4 . It is stated that the cross-examination of the said witnesses became necessary in view of the amendment having been allowed, however, the Rent Controller vide the impugned order has dismissed the said application illegally and has further submitted that the impugned order deserves to be set aside and the application filed by the petitioner for recalling of the witnesses deserves to be allowed.

3. It is stated that since PW-4 has been given up by the respondent, thus, at the stage of notice of motion, learned counsel for the petitioner had restricted his prayer for further cross-examination of



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PW-1 to PW-3 only. In support of his arguments, learned counsel for the petitioner has referred to the judgment passed by the Co-ordinate Bench of this Court *dated 13.12.2016* titled as “Shukla Kohli Vs. M/s Neelam Traders” in CR-8380-2016 as well as the judgment passed by Co-ordinate Bench of this Court *dated 20.07.2012* titled as “Kaptan Singh Vs. Kulbir Singh”, in CR-6648-2010.

ARGUMENTS ON BEHALF OF THE RESPONDENT

4. Learned counsel for the respondent-landlord has submitted that the petitioner has been filing one application after other only to delay the proceedings. It is further submitted that in the eviction petition which was filed in the year 2020 as well as in the replication which was filed on 02.07.2021, it has been specially stated by the respondent-landlord that the respondent-landlord is not the owner of any other shop other than the shop in question. It is further submitted that no document has been produced by the petitioner to even remotely show that the respondent is the owner of other shops and that even in the original reply dated 29.01.2021 (Annexure P-2), no reference to any shops number or even the place where they are situated has been mentioned. It is submitted that it has not even been stated that the said two shops are in the same municipal area as the shop in question.

5. It is further submitted that initially the application dated 02.02.2022 (Annexure P-4) was filed by the petitioner under Order 6 Rule 17 to add preliminary objection No.6 and at that stage, no prayer was made to make the second amendment which was filed



subsequently. It is argued that the said amendment was allowed vide order dated 16.03.2022 and that in the said order it was specifically stated by the petitioner that he does not wish to recall any witness, who have already been examined. It is further stated that the order dated 16.03.2022 has not been placed on record, but a copy of the same along with the zimni orders and other orders has been handed over to the Court during the course of arguments, which is taken on record and has been marked as “Mark A (Colly.)”. It is submitted that the issues in the present case were framed on 02.07.2021 and three witnesses had also been examined and cross-examined on 18.08.2021. It is submitted that since in the pleadings, the ownership of any other shop had been denied, thus, it was open to the petitioner to have put the questions with respect to ownership to the said witnesses when they were examined and cross-examined.

6. Learned counsel for the respondent has argued that in order to further delay the proceedings, another amendment application dated 01.07.2022 was filed, in which, the averments with respect to tenant having left the premises and another tenant having been inducted were made, which averments were completely irrelevant, as the said averments were not with respect to the shop which was owned by the respondent. It is submitted that in the reply dated 17.08.2022 (Annexure P-9) to the said amendment application, it was again reiterated that there were no other shops owned by the respondent. It is further submitted that in the application for amendment, no prayer was made for recalling



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of the witnesses nor any such prayer was made at the time when the said amendment was allowed on 12.10.2022. It is stated that even a perusal of the order dated 12.10.2022 would show that the Rent Controller was of the view that the petitioner was filing similar applications and thus, allowed the same subject to heavy costs. It is further stated that after the said amendment was allowed, the respondent closed his evidence on 21.12.2022 and the petitioner in order to further delay the proceedings, had thereafter, on 10.05.2023 filed an application (Annexure P-12) for re-examining the witnesses of the respondent-landlord which had already been examined. It is submitted that the said application was filed without mentioning of any provision of law and was filed only to delay the proceedings and has been rightly dismissed by the Rent Controller.

7. It is further submitted that a party has no right to recall the witnesses and it is only the power of the Court to seek recalling in exceptional cases. It is argued that although, at the time of issuance of notice of motion by the Co-ordinate Bench of this Court, the proceedings were not stayed but only the passing of the final order had been stayed, yet, the petitioner has taken nine dates without producing any witness and is thus, delaying the matter, which was instituted in the year 2020. In support of her arguments, learned counsel for the respondent has relied upon the judgment of the Co-ordinate Bench of this Court in case titled as “***Charanjit Vs. Harvilas Rai, reported as 2023(1) PLR 144*** as well as of the Calcutta High Court in case titled as



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“Amalendu Bhunia and another Vs. Sabita Sadhukhan and others”,
reported as 2021(3) ICC 525 and also the judgment of the Himachal Pradesh High Court in case titled as **“Amrik Ahuja Vs. Vijay Kumar Sood and others”**, **reported as 2023(1) RCR (Rent) 232.**

ANALYSIS AND FINDINGS

8. This Court has heard learned counsel for the parties and has perused the paper-book and is of the opinion that the impugned order is in accordance with law and deserves to be upheld and the revision petition deserves to be dismissed for the reasons stated herein below.

9. It is not in dispute that the respondent had filed a petition under Section 13 of the 1949 Act for eviction of the petitioner from the shop in question in the year 2020. In para 3-C of the said petition, the respondent-landlord had specifically stated that he is not occupying any other such building in the urban area of Sangrur except the shop in dispute. The present petitioner filed a written statement dated 29.01.2021 (Annexure P-2) and in the said written statement, in para 3-C the following objection was taken: -

*“3c. That para no.3c of the petition is wrong and hence denied. **The petitioner is owner of two other shops which he has rented out to different persons.** If the petitioner requires the shops for his personal necessity he can get those shops vacated from the tenants.”*

A perusal of the above para would show that no details of the other two shops, which were stated to be allegedly owned by the respondent, have been given and no name of any persons to whom the



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said shops have been given on rent was mentioned and that it had not even been stated that the said shops were in the same urban area concerned. No document/prima facie proof has been annexed along with the present petition to even remotely show that the respondent is the owner of any other shops other than the shop in question. The said aspect would be relevant for the purpose of adjudicating the present case for the reasons which would be mentioned hereinafter.

10. The replication was filed on 02.07.2021 (Annexure P-3) and the reply to said para 3-C is reproduced as under: -

“3(c) Para no. 3(c) of written statement is wrong and hence denied word by word. The contents of para no. 3(c) of the petition are correct and retreated.”

11. Thus, the vague averments made in para 3-C by the petitioner in the written statement were denied by the respondent-landlord. The petitioner thereafter filed an application dated 02.02.2022 (Annexure P-4) under Order 6 Rule 17 CPC for adding para No.6 as additional legal objection. The reply was filed to the said application and the Rent Controller vide order dated 16.03.2022 allowed the said amendment and in the said order, it was specifically stated by the counsel for the present petitioner that he did not intend to recall the witnesses already examined for the purpose of cross-examination and after taking into consideration the said fact, the amendment was allowed by imposing costs of Rs.2000/-. The order dated 16.03.2022 has not been annexed along with the present petition but, as has been stated



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herein-above, the said order along with all the zimni orders has been handed to the Court by the learned counsel for the respondent which has been marked as "Mark A" and its authenticity has not been disputed. The relevant portion of the said order dated 16.03.2022 is reproduced in herein below: -

".....The respondent/applicant does not intend to recall the witnesses already examined for the purpose of cross-examination. Taking into consideration the preliminary objections sought to be raised coupled with stand of the respondent/applicant in the original written statement, it is difficult to accept that by way of proposed amendment, prejudice would be caused to the petitioner/landlord which cannot be compensated in terms of costs. Further more the amendment of written statement can be allowed at any stage of the proceedings. Hence, application for amendment of written reply stands allowed subject to payment of costs of Rs.2000/-.

Amended written reply is already on the file. Now to come up on 01.04.2022 for filing rejoinder to the amendment written reply and payment of costs.

Dated: 16.03.2022

Harvinder Singh Sindhia

Rent Controller

Unique Identification no.PB0283

Certified that the order has been directly dictated by the undersigned.

Dated:16.03.2022

Harvinder Singh Sindhia

Addl. Civil Judge(Sr.Divn.)

Sangrur."

12. It would be relevant to note that the issues in the present



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cases were framed on 02.07.2021 and two witnesses i.e. PW-1 and PW-2 were examined-in-chief on 02.08.2021 and thereafter their cross-examination was deferred at the request of learned counsel for the petitioner-tenant. On 18.08.2021, PW-1, PW-2 as well as PW-3 were completely examined and cross-examined and the examination-in-chief of PW-4 was also completed and his cross-examination was deferred at the request of learned counsel for the present petitioner. The zimni order dated 18.08.2021 is reproduced as under: -

*“Charanveer Singh Dandass Vs. Gulshan Kumar Verma
RENT-24-2020*

*Present: Sh. D. S. Dandass Adv. for petitioner.
Sh. Tomesh Sharma Adv. for respondent.*

PW1 and PW2 are present and cross-examined completely. PW3 is present and examined completely. PW4 is present and examined-in- chief. His cross-examination is deferred at the request of learned counsel for the respondent. Petitioner has suffered the statement that as per order of Court he has received an amount of Rs.6000/- today in the Court w.e.f. 01.04.2021 to 31.07.2021 @ Rs.1500/- per month today in the Court. On request of learned counsel for the parties, case is adjourned to 12.10.2021 for cross-examination of PW4 and remaining evidence of petitioner.

*Dated: 18.08.2021 (Harvinder Singh Sindhia)
Rent Controller, Sangrur.
UID No. PB0283”*

13. It is thus apparent that the first amendment application was filed subsequent to the said witnesses having been examined. After the



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first amendment was allowed and the petitioner had filed an amended written statement, to the same the respondent had filed a rejoinder, a copy of which has been annexed as Annexure P-7. Para 3(c) of the said rejoinder is reproduced herein-below: -

“3(c) Para no. 3(c) of amended written reply is wrong and hence denied word by word. The petitioner is the owner of only one shop i.e. the shop in dispute to the extent of 1/2 share the other half share of the shop in dispute is the ownership of S. Daljeet Singh Dandass, the brother of petitioner. The contents of para no. 3(c) of the petition are correct and are reiterated.”

14. In the said para, it was specifically stated that the respondent-landlord was owner of one shop which was the shop in dispute and that too, to the extent of ½ share and other ½ share belonged to his brother S. Daljeet Singh Dandass.

15. However, on 01.07.2022, another application under Order 6 Rule 17 CPC was filed by the present petitioner and para 7 was sought to be added in the preliminary/legal objections. The said para 7 which was sought to be added is reproduced herein below: -

“7. That the respondent / applicant in para no. 3 (c) of the written reply has already asserted that the petitioner is the owner of two other shops which have been rented out to different tenants. Now the petitioner, out of the above mentioned two shops, a few months ago, has got vacant possession of one shop which was on rent with tenant namely Mr. Dinesh Kumar alias Dessa son of Sh. Gian Chand, and thereafter, rented out the said shop to



Mr. Lovepreet son of Rajinder Kumar Prop. M/s. Jyoti Jewellers, Old Mandi Gali, Sangrur, which depicts that the need of the petitioner allegedly contended in the rent petition, is not bonafide, genuine and honest but is tainted and fanciful. In case, the personal need of the petitioner, as projected in the Rent Petition, was bonafide, then; the premises which had been vacated by Mr. Dinesh Kumar alias Dessa must have been occupied by the petitioner for his alleged personal need. It is also to mention here that the disputed premises and the premises vacated by Mr. Dinesh Kumar alias Dessa are located in the same vicinity i.e. in Old Mandi Gali, is at arm length from the disputed premises and also of the same size."

16. Interestingly, without there being any proof of ownership of any other shop of the respondent-landlord, the petitioner-tenant was wanting to raise a plea with respect to a new tenant having been inducted in the so-called shops which were alleged to be in the ownership of the respondent-landlord. It would be relevant to note that in the said application dated 01.07.2022 (Annexure P-8), no prayer was made for recalling the witnesses who had already been examined. The respondent had filed the reply dated 17.08.2022 (Annexure P-9) and in para 2 as well as in para 3, it had specifically been stated that the respondent was not the owner of other shops, thus, the question of letting other shops to any person did not arise and that the application was filed only to prolong the proceedings and to harass the respondent and to waste the time of the Court. The relevant part of said paras 2 as well as 3 are reproduced herein below: -



“2.It is pertinent to mention here that earlier also the respondent had filed application on 2.2.2022 for amendment of written reply dated 29.1.2021 which was disposed by the Hon'ble Court. In the rejoinder dated 1.4.2022 to the amended written reply on merits, in para no. 3 (c) it is clearly mention that petitioner is the owner of only one shop i.e. demised shop, to the extent of 1/2 share. The other 1/2 share of the demised shop is the ownership of S. Daljeet Singh Dandass, brother of the petitioner. The petitioner is not the owner of any other shop.

3. That para no. 3 of application is wrong and denied word by word. No part of the same is admitted to be correct. The respondent concocted a false story in this para. When the petitioner is not the owner of any other shop, so question of getting possession or letting other shops to any person does not arise at all. All the averments made in this para by the respondent are malafide just to prolong the proceeding, to harass the petitioner and to waste the precious time of the Hon'ble Court.”

17. The Rent Controller, vide order dated 12.10.2022, after observing that earlier also an application had been filed for amendment and the petitioner had again filed an application for amendment, allowed the same subject to costs of Rs.4000/- and had directed the petitioner to file the amended reply. The amended reply dated 12.10.2022 (Annexure P-10) was filed by the petitioner and in the said reply, the additional plea has been taken in paragraph 7.

18. In the rejoinder dated 17.12.2022, the said plea taken in paragraph 7 was answered in the following terms:-

“7. Para No. 7 of the legal objection of written reply is totally wrong and is denied. No part of the same is admitted to



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*be correct. In para no. 3-C of rejoinder dated 1.4.2022 to amended written reply it has specifically been mentioned that the **petitioner is the owner of only one shop i.e. the demised shop to the extent of 1/2 share.** The other 1/2 share of the demised shop is the ownership of Daljeet Singh Dandass, brother of the petitioner. **Photo copy of rent note of the shop which was rented out to Lovepreet Singh son of Rajinder Kumar Prop. M/s Jyoti Jewellers, Old Mandi Street, Sangrur is attached herewith which clearly shows that petitioner is not the owner of the shop, as alleged in this para by the respondent.***

A perusal of the above rejoinder would show that apart from reiterating that the respondent was the owner of only one shop and that too, to the extent of ½ share, even the photocopy of the rent note of the shop which was rented out to Lovepreet Singh, as alleged by the petitioner/tenant, was attached and it was specifically stated that the same clearly shows that the respondent was not the owner of the shop in question. The petitioner while making the averments with respect to the above-said tenancy has not annexed any rent note to show that either the respondent is the owner of the shop or the said tenant was that of the respondent and was apparently moving one application after another only to delay the proceedings. No document of ownership of the respondent with respect to another shop other than the shop in dispute has been annexed or referred to and even the averments made in paragraph 7 of the above-said rejoinder, which make a specific reference to the above-said rent note showing that the respondent is not the owner of the shop, have been rebutted. The said rent note has also

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not been annexed to show that the averments made by the respondent/landlord are incorrect. In the said circumstances, it is *prima facie* clear that the petitioner is well aware that the respondent is not the owner of any other shop and is not the landlord of any other shop and has made vague averments and had moved one application after the another only to delay the proceedings.

19. On 22.03.2023, the petitioner/tenant had sought an adjournment to file an application. Similar adjournment was sought on 28.04.2023 and on 10.05.2023, the petitioner filed an application dated 27.04.2023 (Annexure P-12) for re-examining the witnesses of the respondent i.e. PW-1 to PW-3 and to cross-examine PW-4. The said application was opposed and a prayer was made that heavy costs be imposed. The Rent Controller vide the impugned order dated 04.09.2023 (Annexure P-14) dismissed the said application and in the said order observed that no such prayer for re-examining the witnesses was made by the petitioner at the time when the second amendment application was filed or at the time when the same was argued and that the application was filed only to delay the proceedings.

20. On 03.10.2023, the Co-ordinate Bench of this Court had issued notice of motion and stayed the passing of final order, whereas, the proceedings had not been stayed. However, in spite of the same, the petitioner-tenant did not produce any evidence and it was specifically recorded on 05.12.2023, 09.02.2024, 15.04.2024, 29.05.2024, 24.07.2024, 21.11.2024 as well as on 04.01.2025 that no witness of the

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petitioner/tenant had been produced. Thus, the petitioner managed to delay the proceedings.

21. From the above-said facts and circumstances, it is apparent that the sole purpose of filing the applications was to delay the proceedings. Once, it was the specific stand of the respondent-landlord in the petition filed under Section 13 as well as in the replication/rejoinder filed after the first amendment was allowed, that the respondent is not the owner of any other shop and without there being any *prima facie* proof that the respondent was the owner of another shop than the shop in dispute, the petitioner kept on filing applications to make averments with respect to the so called another shop. In the written statement, even the details of the said shops had not been given nor it was stated that the same was in the urban area concerned nor the details of any tenant of the said shop were given. At the time of filing the second amendment application, no details were given as to on what basis the petitioner was alleging that the respondent had tenanted out one of the said alleged shops to Lovepreet Singh, son of Rajinder Kumar. No rent note was referred to. In response to the said amendment, the respondent had annexed rent note as per which it was established that the respondent was neither the owner nor the landlord of the premises, which is stated to have been let out to Lovepreet Singh. The said aspect has not been rebutted by annexing the said rent note which is now part of the record. PW1 to PW-3 had appeared on 18.08.2021 and it is not in dispute that the said three witnesses were



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cross-examined by the counsel for the petitioner/tenant and thus, it was open for the counsel for the petitioner to cross-examine the said witnesses on the aspect of ownership of the said two shops. The petitioner in order to further delay the proceedings had thereafter, after much delay moved the application in question dated 27.04.2023 on 10.05.2023 seeking recall of the witnesses of the landlord/respondent. The said application has been rightly dismissed by the Rent Controller and it has been rightly observed by the Rent Controller that the same is only to delay the proceedings without any such request having been made at the time when the second amendment was allowed.

22. This Court in the ***judgment dated 02.12.2024*** passed in ***CR-6545-2024*** titled as “***M.M. Sharma and another Vs. Harjeet Kaur***”, has held as under: -

*“8. The Coordinate Bench of this Court in the case of ***Neeraj Jindal Vs. Manju, CR No.5243 of 2019, decided on 30.08.2019*** had observed that the provision of Order 18 Rule 17 CPC which is with respect to recalling and re-examining the witnesses, cannot be invoked by a private party as the aforesaid provision is meant only for the convenience of the Court and that the said powers can only be exercised by the Court according to its convenience and the parties to the litigation cannot invoke the same. The relevant portion of the said judgment is reproduced hereinbelow:-*

“.....Even otherwise, process of the Court in terms of Order 18 Rule 17 CPC cannot be invoked by the private party as the aforesaid provision is meant only for convenience of the Court. The Court at any stage can recall any witness who has been examined and may put



such questions to him as the Court thinks fit but the said exercise does not permit a party to reexamine any witness or to fill lacuna in the case.

In view of ratio laid down by Hon'ble Apex Court in K.K. Velusamy vs N. Palanisamy, (2011) 11 SCC 275 and Ratti Ram vs Mange Ram (D) through LRs and others, 2016 (2) RCR (Civil) 464, powers under Order 18, Rule 17 CPC can only be exercised by the Court according to its convenience and the party to the litigation cannot invoke the said provision.

The aforesaid principle was also reiterated in Vadiraj Nagappa Vemekar vs Sharadchandra Prabhakar Gogate, (2009) 4 SCC 410.

For the reasons recorded hereinabove, I do not see any justification to interfere in the impugned order which is not found to be suffering from any error of jurisdiction.

This revision petition is accordingly, dismissed.”

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9. Moreover, a perusal of Order 18 Rule 17 CPC would show that it is the Court which has the power to recall any witnesses who has been examined and put questions to him as the Court thinks fit and there is no vested right in a private party to seek recalling of the witnesses for the purpose of further cross-examination.”

23. The Co-ordinate Bench of this Court in the case of ***Charanjit (supra)*** had observed that in case any plea is raised in the amended written statement, the onus to prove the same is on the person raising the plea and the power to recall witness cannot be exercised by the Court merely on the asking of the party and it can only be exercised in appropriate cases where the Court requires clarification from the witness. The relevant portion of the said judgment is reproduced as



under: -

“xxx xxx xxx

5. *Learned counsel for the petitioner has argued that the suit of the plaintiff relates to the agreement to sell dated 01.11.2014 and as per the written statement, the said agreement is result of fraud and misrepresentation. **He submits that subsequently, the petitioner was allowed to amend his written statement to further plead that the defendant had not executed the said agreement to sell in favour of the plaintiff. He submits that as no question regarding agreement to sell was put to the plaintiff's witnesses, therefore, the witnesses be re-called for further cross-examination.** In support of his argument, learned counsel has placed reliance upon the decision of the Hon'ble Supreme Court in “**Ram Rati Vs. Mange Ram and others**”, (2016) 160 AIC 10. He prays that the impugned order be set aside.*

6. *After hearing learned counsel for the petitioner, this Court does not find any merit in the argument that after amendment of written statement, the defendant is justified in recalling of plaintiff and his witnesses for further cross-examination. A perusal of the case file shows that the amendment in the written statement was allowed by the trial Court vide order dated 28.03.2022, and by that time evidence of the plaintiff stood closed.*

xxx xxx xxx

7. *.....Further, even if, the plea raised in the written statement to controvert the case of the plaintiff is to be proved by the defendant, this onus is to be discharged by him by leading his evidence. Further, the decision relied upon by the learned counsel in support of his case would not be applicable in the facts and circumstances of this case. **No doubt, Order XVIII Rule 17 Code of Civil Procedure, 1908 contemplates recalling of a witness, but this power cannot be exercised merely on the asking of a party, as it can only be exercised in***



appropriate cases, where the Court requires clarification from the witness. In case the prayer of the petitioner is allowed, it would amount to filling up the lacunae.

8. A perusal of the impugned order dated 30.08.2022 shows that it does not suffer from any illegality and impropriety, therefore, no ground is made out for exercising the superintendence powers under Article 227 Constitution of India.”

24. Similarly in the case of ***Amrik Ahuja (supra)***, the Himachal Pradesh High Court had taken into the consideration the law laid down by the Hon'ble Supreme Court in the case of “***K.K. Velusamy Vs. N. Palanisamy, reported as (2011) 11 SCC 275***, in which, it was stated that the power to recall the witness is discretionary and should be used sparingly only to enable the Court to clarify any doubts it may have in regard to the evidence led by the parties.

25. The Hon'ble Supreme Court in the case of “***Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil***”, ***reported as (2010) 8 Supreme Court Cases 329***, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does



not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

26. The judgments relied upon by the learned counsel for the petitioner would not further the case of the petitioner. In both the cases i.e., *Shukla Kohli (supra)* and *Kaptan Singh (supra)*, relied upon by the petitioner, the trial Court had exercised its discretion to recall the witnesses in the peculiar facts and circumstances of the said cases. Interference with the said discretion is not to be done at the drop of a hat under Article 227 of the Constitution of India and the judgments passed in the said two cases relied upon by counsel for the petitioner also reiterate the said proposition of law. In the case of *Shukla Kohli (supra)*, it was observed that the order of the Rent Controller was not unreasonable so as to call for any interference in exercise of revisional jurisdiction. The case of *Kaptan Singh (supra)* was a peculiar case in which the plaintiff therein had only attached the photocopy of the pronote and had not annexed the original pronote and in the photocopy, the name of Kaptan Singh was written as scribe whereas in the original pronote, name of Kaptan Singh was not mentioned and it is only after



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inspection, that it came to light that there were alterations in the pronote with respect to which the amendment was made and which also required recalling of the witnesses so as to put the said alterations to the witnesses. The Co-ordinate Bench of this Court while dismissing the revision petition had observed that when the trial Court had allowed the amendment and had exercised its discretion to recall the witnesses, the same did not call for any interference

27. In the present case also, where the Court had, after taking into consideration all the facts and circumstances, exercised its discretion not to allow recalling of the witnesses of the respondent-landlord and had observed that the petitioner was only trying to delay the proceedings, this Court finds no reason to interfere in the said order in its supervisory power under Article 227 of the Constitution of India Accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

28. The observations made in the present order should not be construed as an expression on the final merits of the case and the said observations have been made only to consider the legality or otherwise of the impugned order, vide which the application for recalling filed by the petitioner has been dismissed. The Rent Controller would decide the main case independent of the observations made in the present order.

September 30, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
 Whether reportable?

Yes
 Yes