

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA
CMPMO No.687 of 2025
Decided on 28th November 2025**

Himalayan Brahmo Samaj Mandir Trust Shimla and others

...Petitioners

Versus

Smt. Saptan and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting?

For the petitioners : Mr. Rajinder Sharma, Advocate.

For the respondents : Notice not issued.

Ajay Mohan Goel, Judge (*Oral*)

By way of this petition, the petitioner has challenged the order passed by the learned Court below in terms where of an application filed under Order 18, Rule 17 of the Code of Civil Procedure (for short "CPC") filed petitioner for recall of respondent No.1 therein for further cross-examination has been received.

2. A perusal of the order demonstrates that the learned Court below observed that the only reason why the applicant wanted to further cross-examine RW-1 was that

respondent No.1 had falsely deposed that she had not authorized her counsel to appear in the main case whereas Power of Attorney dated 27.05.2015 was on the record of the main case file. Learned Court further observed that as Power of Attorney was on record of the main case file, therefore, as this fact could be ascertained by the Court at any stage, for said purpose, there was no need to further recall RW-1 for the purpose of cross-examination. Learned Court further held that re-examination of witness would serve no purpose but would prolong the adjudication of the case.

3. This Court is of the considered view that the findings returned by the learned Courts below call for no interference. As the only reason why the applicant wanted RW-1 to be recalled for re-examination was to confront her with her deposition that she had falsely deposed that she had not authorized her counsel to appear before the Court in the main case, therefore, because Power of Attorney, in issue was already on record, it did not require any further cross-examination of RW-1 because what RW-1 had deposed in the Court can be considered by the learned Court below on the

anvil of Power of Attorney available on record. Therefore, this Court does find any perversity with the order under challenge in the petition and the petition is dismissed and disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

28th November, 2025
(*Shamsh Tabrez*)