

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

Civil Revision No. 1752 of 2015 (O&M)

Date of decision : 15.5.2015

Ranjha Ram

... Petitioner

VS

Karma and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Naresh Kaushik, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 7.2.2015 passed by the learned Court below whereby the application filed by respondent nos. 2 and 3, who were later on impleaded as defendant nos. 2 and 3 in the suit, for summoning of the witnesses produced by the petitioner/ plaintiff for their cross-examination, was allowed.

Learned counsel for the petitioner submitted that the petitioner filed a suit for specific performance of agreement to sell dated 23.5.2009 on 20.7.2009. As during the pendency of the suit, the vendor sold the property to respondent nos. 2 and 3, they were impleaded as defendants in the suit. Thereafter, they filed written statement. After that the issues were re-framed. Thereafter, they filed application seeking summoning of the witnesses produced by the petitioner for their cross-examination. The same has been allowed by the learned Court below. The grievance of the petitioner is that the subsequent buyers of the property, who stepped into the shoes of the earlier buyer, have no independent right to lead evidence. Hence, they should not be permitted to summon the witnesses already examined by the plaintiff as those witnesses have already been cross-examined by the defendant in the suit.

After hearing learned counsel for the petitioner, I do not find any merit in the contention raised. The suit was filed by the petitioner on 20.7.2009. On an application filed by him under Order I Rule 10 CPC,

respondent nos. 2 and 3 were impleaded as defendant nos. 2 and 3 in the suit. After they filed written statement, the issues were re-framed on 3.9.2014. The onus of one of the newly framed issue was on respondent nos. 2 and 3/ newly impleaded defendants. Prior to that the petitioner/ plaintiff had already concluded his oral evidence as the witnesses produced by him were cross-examined by defendant no. 1. After the issues were re-framed on 3.9.2014, on 23.9.2014, the petitioner closed his evidence by placing certain documents on record. As respondent nos. 2 and 3 had been impleaded in the suit as defendant nos. 2 and 3 by the petitioner/ plaintiff himself and on filing of their written statement, issues were re-framed and onus of one of the issue was on them, to discharge the same, besides leading their own evidence, they also have a right to cross-examine the witnesses produced by the petitioner/ plaintiff.

No illegality has been committed by the learned Court below in allowing the prayer made by respondent nos. 2 and 3 for summoning of the witnesses already produced by the petitioner/ plaintiff for their cross-examination. There is no merit in the present petition. The same is, accordingly, dismissed.

15.5.2015
vs

(Rajesh Bindal)
Judge