

CR No. 2539 of 2015

Date of Decision: November 30, 2015

Mohinder Karoriwal

.... Petitioner

vs.

Bachna & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vikas Kumar, Advocate
for the petitioner.Mr. Sanjay Verma, Advocate
for respondent No.3.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision order dated 23.03.2015 passed by learned Civil Judge(Junior Division), Panchkula vide which the application of the present petitioner/plaintiff to recall and re-examine document writer Ashwani Pathak and the dealing official of the office of the Sub-registrar, Panchkula was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

The perusal of statement of Ashwani Pathak document writer shows that in the examination-in-chief, he proved the sale deed Ex.P-2. During the cross-examination, he made some

statements against the interest of the plaintiff. Therefore, the plaintiff made a request for re-examination the witness at that very stage.

Subsequently an application to this effect was also filed which was dismissed. Plaintiff in addition to the re-examination also wants to prove the site plan prepared by said witness.

I am of the view that when the witness makes some statement against the interest of the party calling him, the said party is entitled to his re-examination to clarify the things. Once the witness is re-examined the site plan can also be put to him and thereafter other party can be granted an opportunity to cross-examine the witnesses. Therefore, the re-examination of Ashwani Pathak document writer is necessary in the given circumstances and is allowed.

So far as dealing official of the office of the Sub-registrar, Panchkula concerned he is stated to have proved the sale deed stating that the site plan is not with him. However, according to the petitioner the site plan was prepared by the document writer and after it is proved, it will also be put to the dealing clerk. Such dealing clerk is also ordered to recalled.

Revision is accordingly allowed.

November 30, 2015
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(KULDIP SINGH)
JUDGE