

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 2931 of 2013 (O&M)
Date of Decision: 25.05.2015

Labh Singh

.....Petitioner

Vs.

Iqbal Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Aneja, Advocate,
for the petitioner.

Mr. U.K. Kanwar, Advocate,
for the respondent.

SABINA, J.

Petitioner has filed this petition challenging the order dated 22.02.2013, whereby application moved by the defendant for his re-examination, was allowed.

Learned counsel for the petitioner has submitted that the respondent had already appeared as a witness and had later moved an application for his re-examination to enable him to prove sale deeds dated 23.05.2008 and 28.12.2007. The said sale deeds had no bearing on the *lis* between the parties.

Learned counsel for the respondent, on the other hand, has opposed the petition.

Petitioner has filed suit for recovery on the basis of pronote and receipt dated 31.12.2007. The case of the respondent

was that the pronote and receipt in question were forged documents. It was denied that the respondent had borrowed ₹55,000/- from the plaintiff-petitioner on 31.12.2007. It was also averred by the respondent that the parties were in litigation with each other on account of some land dispute.

Respondent appeared in the witness box as DW-1. Thereafter, respondent moved an application (Annexure P-4) to enable him to appear in the witness box again to prove sale deeds dated 28.12.2007 and 23.05.2008. The case of the respondent is that due to inadvertence, the said sale deeds could not be pleaded in the written statement as the execution of the said sale deeds could not be disclosed by him to his counsel.

A perusal of the application (Annexure P-4) reveals that the same is vague. There is no explanation given in the application as to why the sale deeds now sought to be proved on record were necessary to be proved on record for the just decision of the case. Although, case is listed before the trial Court for the evidence of the defendant but the defendant was required to make out a case that the sale deeds now sought to be proved on record were relevant for the controversy in question. Plaintiff has filed suit for recovery on the basis of pronote and receipt and the sale deeds now sought to be proved are admittedly not, *inter se*, the parties.

In these circumstances, learned trial Court fell in error while allowing the application, filed by the respondent to enable him to again appear in the witness box to prove the said sale deeds dated 23.05.2008 and 28.12.2007 as there is nothing on record to

suggest that the same are necessary for the just decision of the controversy, involved in the present case. Accordingly, this petition is allowed. Impugned order dated 22.02.2013 is set aside.

**(SABINA)
JUDGE**

May 25, 2015
nitin