

In the High Court of Punjab and Haryana at Chandigarh

CR No. 4663 of 2015

Date of decision: 27.07.2015

Amandeep Singh

.....Petitioner

Versus

Badal Parkash

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.S.N.Pillania, Advocate
for the petitioner.

--

SABINA, J

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 3.7.2015 (Annexure P6) whereby application moved by the petitioner for recalling PW3 Leela Ram for further cross-examination, was dismissed .

Learned counsel for the petitioner has submitted that PW3, while appearing in the witness box, has stated that he was not working as a Munim at the plaintiff's shop. However, as per the news item, Annexure P3, it was evident that Leela Ram was working as a Munim at the plaintiff's shop.

Respondent has filed suit for recovery against the petitioner on the basis of pronote and receipt dated 26.2.2010. During the pendency of the suit, defendant moved an application for recalling PW3 for further cross-examination. The case of the

petitioner is that Leela Ram, in his cross-examination, had denied his signatures on document mark 'A'. The said document had been issued by PW3 Leela Ram, who was working as a Munim at the plaintiff's shop.

PW3 was duly cross-examined by the petitioner. Annexure P3 is the news item on which petitioner has placed reliance while filing the application for recalling PW3 for further cross-examination. However, a perusal of news item Annexure P3 also does not reveal that PW3 was working as a Munim at the shop of the plaintiff. Even, otherwise, PW3 was not liable to be recalled for further cross-examination as he had been duly cross-examined by the petitioner. Hence, the trial Court had rightly dismissed the application moved by the petitioner for recalling PW3 for further cross-examination.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

July 27, 2015

arya