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

CR No.4895 of 2015

Date of decision: August 05, 2015

Namrata and another

.....Petitioners

Versus

Amit Kumar Sharma and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vishal Aggarwal, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the order dated 08.07.2015, whereby, application moved by the petitioner for summoning the Court record, was dismissed.

Learned counsel for the petitioners has submitted that the record sought to be summoned by the petitioners was very necessary for cross-examination of PW2-Amit Kumar-plaintiff. In support of his arguments, learned counsel has placed reliance upon ***Mahant Mela Ram Chela Mahant Inder Dass v. Shiromani Gurudwara Parbhandhak Committee, Amritsar***, AIR 1992 Punjab and Haryana 252, wherein, it was held as under:-

“11. xxxxxxx. It is well established rule of evidence that a party should put to each of its opponent's witness so much of his case as concerns that particular witness. If no such questions are put, the Courts presume that the witness account has been accepted.”

In the present case, respondent No.1 has filed suit for grant of decree for joint possession of the property in question. During the pendency of the suit, when the case was listed for cross-examination of the plaintiff, petitioner moved an application (Annexure P-3) for summoning the record pertaining to two civil suits and one civil miscellaneous application. Vide the impugned order, the trial Court rightly dismissed the said application. It has been noticed by the trial Court that PW2 had tendered his affidavit on 10.04.2014, however, cross-examination of the said witness has not been completed so far. Moreover, petitioners will get an opportunity to lead their evidence regarding the earlier litigation qua which the files have now been summoned. In the facts and circumstances of the present case, the judgment relied upon by the learned counsel for the petitioners fails to advance the case of the petitioners.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 05, 2015

mahavir