

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5324 of 2015
Date of decision: 20.08.2015

Vinod Kumar

... Petitioner

Versus

Dadri Education Society, Charkhi Dadri and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

1. Whether reporters of local papers 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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 16.05.2015, rendered by Civil Judge (Jr. Divn.), Charkhi Dadri, the application moved by the petitioner-sublettee, for recalling the respondent-landlord for further cross-examination, has since been rejected.

In an application moved by the petitioner, dated 17.03.2015, it was maintained that the earlier counsel for the petitioner did not cross-examine the respondent-landlord properly and, thus, his presence was necessary for proper cross-examination.

On an analysis of the matter in issue, learned trial court declined the prayer and concluded as thus:

“Arguments heard on behalf of both the parties. It is clear that earlier one more opportunities were given to the counsel of the defendant to cross-examine the plaintiff. Now, the ground mentioned on behalf of the applicant to the effect that earlier counsel did not ask all and relevant question is not sufficient enough to recall that person again in court. In case Om Parkash V. Vinod Kumar 2014 (Suppl.) CCC 485 (P&H), our Hon’ble High Court has held that a witness cannot be recalled on the ground that earlier counsel did not properly cross-examine the witness who came in the Court. On the basis of aforesaid law as well as the discussion mentioned hereinabove, the application at hand stands deserves to its dismissal, accordingly dismissed. Now to come upon 30.5.2015 for rebuttal evidence, if any and for arguments.”

Ex facie, parties to the lis have already led and concluded their evidence. Even earlier another opportunity was afforded to the petitioner to cross-examine the respondent-landlord. Apparently, the application was moved by the petitioner with a purpose to fill up the lacunas and improve upon his case. In any case, the reason that the earlier counsel had not properly cross-examined the plaintiff would hardly warrant to recall the respondent-landlord for further cross-examination. Petition lacks both i.e. merit as also bonafides.

Learned counsel for the petitioner could not point out as to how the conclusion arrived at by learned trial court was either contrary to the position on record or erroneous in law.

No interference in exercise of revisional jurisdiction is warranted. Petition being devoid of merit is accordingly dismissed.

August 20, 2015
Rajan

(Arun Palli)
Judge