

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6094 of 2015 (O/M)
Date of decision : 17.9.2015

Jeeto and another

..... Revisionists

Versus

Gurcharan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajan Bansal, Advocate, for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 28.5.2015 (Annexure-P-4), passed by the learned Civil Judge (Junior Division), Talwandi Sabo, vide which the application of the plaintiffs/revisionists to declare Balraj Singh (PW2) as hostile witness, was dismissed.

I have heard the learned counsel for the plaintiffs/revisionists and have also carefully gone through the file.

The perusal of the statement of Balraj Singh (PW2) shows that in examination-in-chief, he had denied the signatures of

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his father on the Will (Ex.P1). Thereafter, the examination-in-chief was completed. The other party had cross-examined the witness. It was after the entire examination and cross-examination was conducted that the present application was filed. Section 154 of the Indian Evidence Act provides as under :-

“Section 154. Question by party to his own witness

- (1) The Court may, in its discretion, permit the person who calls a witness to put any question to him which might be put in cross-examination by the adverse party.
- (2) Nothing in this section shall dis-entitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness.”

It follows that the request has to be made to the Court at the time of examination of the witness for permission to put certain questions to the witness, which could have been put in cross-examination by the other party. No such request was made at the appropriate stage. The examination-in-chief and cross-examination is complete. Therefore, after the entire cross-examination is complete, the witness cannot be declared hostile.

In view of the above, the present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

17.9.2015
sjks