

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

C.R. No.6156 of 2015

Decided on: 18.09.2015

GURDASS RAM MASTANA . . . Petitioner

Versus

KULWANT KAUR . . . Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

1. *Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
2. *To be referred to reporters or not? Yes/No*
3. *Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. Yadwinder Pal Markan, Advocate
for the petitioner.

KULDIP SINGH, J. (Oral)

Impugned in the present revision is the order dated 12.08.2015 , passed by the learned Additional Civil Judge (Senior Division), Fatehgarh Sahib, vide which the application filed by the defendant was allowed to further cross-examine all the witnesses i.e. PW-1 to PW-3, on the ground that plaintiff had submitted two affidavits and due to oversight and inadvertence witnesses were not cross-examined regarding one of those affidavits. The learned counsel for the plaintiff has relied upon **2009 (2) Apex Court Judgments 163 (S.C.)** titled as **'Vadiraj Naggappa Vernekar (D)**

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through LRs Versus Sharad Chand Prabhakar Gogate' ,

wherein the Apex Court had held that the witnesses cannot be recalled merely on the ground that his recall and re-examination would not cause any prejudice to the parties. Further perusal of the facts shows that present case stands on different footing, wherein the plaintiff had filed two affidavits. After filing previous affidavits, he was allowed to file supplementary affidavits, but due to negligence of counsel, the witnesses were not cross-examined regarding one of those affidavits, probably thinking that only one affidavit in examination in chief has been filed. Therefore, in this case, there is negligence on the part of the counsel. There is nothing illegal in allowing further cross-examination of the witnesses.

Dismissed.

[KULDIP SINGH]
JUDGE

18.09.2015
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