

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

C.R. No. 646 of 2015
Date of decision: 28.01.2015

Inder Singh

....Petitioner(s)

Versus

Lakhwinder Singh and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. P.S. Jammu, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition is to the order dated 02.12.2014 whereby, three witnesses were sought to be recalled by defendant no. 2 for cross examination on a particular point. The ground taken was that some material questions could not be put to the witnesses by the previous counsel. The application was opposed on the ground that the application has been filed just to prolong the proceedings and the witnesses have been duly cross examined at length by the earlier counsel. The said argument was not accepted by the Civil Judge (Jr. Divn.), Ellenabad and the application was accordingly dismissed.

Counsel for the petitioner has vehemently argued that there was cutting on the agreement and in such circumstances, it is necessary that the witnesses should have been recalled. A photocopy of the said agreement dated 24.12.2010 executed by Tek Singh in favour of Lakhwinder Singh, the plaintiff has been examined by this Court. The said agreement does not show any such cutting which would warrant re-examination. It is settled principle that the Court has the power to recall but, however, some specific

instance is to be made out. Merely because change of counsel has been resorted to by the party would not entitle him as a matter of right to re-examine the witnesses.

Accordingly, in such circumstances, no fault can be found in the well reasoned order passed by the Court below and the present revision petition is dismissed.

28.01.2015
shivani

(G.S. SANDHAWALIA)
JUDGE