

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

**C.R No. 7515 of 2015 (O&M)
Date of decision : 06.11.2015**

Gian ChandPetitioner
versus

Bhag Ram ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Petitioner has filed the instant revision petition under Article 227 of the Constitution of India assailing order dated 25.09.2015 (P-1) passed by learned Civil Judge (Jr. Divn.) Phillaur whereby prayer of the petitioner for deferring the cross examination of the respondent/plaintiff (for short 'respondent') as P.W.1 for production of pass book and income tax return.

The respondent filed a suit for recovery of Rs.1 lac as principal amount and Rs.35,000/- on account of interest from the petitioner on the basis of pronote and receipt dated 23.12.2010.

Reference has been made to cross examination of the respondent wherein the respondent had stated that he had withdrawn the amount from SBI, Noor Mahal Branch and was paying income tax return. The

amount mentioned in pro note is reflecting in his income tax return. Thus, the learned trial Court has wrongly declined the prayer of the petitioner for deferring the cross examination of the respondent and for giving direction to the respondent to produce his passbook, account bank and income tax return.

In view of the above, order dated 25.09.2015 (P-1) passed by learned Civil Judge (Jr. Divn.) Phillaur is set aside and the revision petition is allowed and the trial Court shall direct respondent to produce his passbook, account bank and income tax return and thereafter, the petitioner is given opportunity to further cross examine P.W.1-respondent.

06.11.2015

G Arora

(RITU BAHRI)
JUDGE