

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

CR No.8282 of 2015 (O&M)

Date of Decision: December 07, 2015

Dalbir

.... Petitioner

vs.

Yashpal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Walia, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 03.11.2015 (Annexure P-2) passed by learned Civil Judge (Jr. Divn.), Faridabad, vide which the application filed by the plaintiff to recall DW-1 Yashpal for further cross-examination, so as to put him some questions, relating to the families of Udai Singh, Inder and Nattha and also the questions regarding the redemption of the mortgaged land and the litigation going on between Ramkali and Yashpal, was dismissed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that DW-1 Yashpal was examined and cross-examined at length. After the cross-examination, the witness was discharged. Thereafter, after closing the evidence of the defendant, the case was fixed for rebuttal evidence, when the application was filed.

It is contended that due to oversight of the learned counsel for the plaintiff, some questions could not be put to the witness. Therefore, the witness should be recalled for cross-examination.

I am of the view that once the opportunity has been given to a party to cross-examine the witness, ordinarily no further opportunity is to be given. If according to the plaintiff, some questions were not put to the witness, it may give rise some rights in favour of the opposite party. Merely recalling the witness on asking cannot be allowed. Thus, there is no illegality in the impugned order.

Accordingly, the present revision petition stands dismissed.

December 07, 2015
sarita

(KULDIP SINGH)
JUDGE