

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1920 of 2016

Date of Decision.15.03.2016

M/s Suresh Enterprises

.....Petitioner

Vs.

M/s Aashish Industrial Corporation

.....Respondent

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

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The party who has been examined as PW3 and who was cross-examined is brought back for additional evidence with reference to documents and cited as PW4. The procedure is erroneous. If any witness who was to be recalled for further evidence of any matter which is omitted to be brought through such an evidence, the proper procedure would have been to only file an application for recall setting out the circumstances that would require the party to be examined again to offer the additional evidence. This procedure has not been adopted. I will not find this to be illegal exercise but will correct the mistake and direct the Court to treat PW3 as only such witness PW3 and he will not be called as PW4. The document which is sought to be proved through witness will be in the nature of providing for additional evidence of the same witness PW3 and the defendant will have right of cross-examination.

2. The order already passed is modified and the manner of further progress in appeal shall be monitored by the manner in which this order has explained above.

3. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

March 15, 2016
Pankaj*