

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

Civil Revision No. 3784 of 2016(O&M)

Date of Decision: May 28 , 2016.

M/s Chirag Rice Traders

..... PETITIONER (s)

Versus

Punjab State Cooperative Supply &
Marketing Federation Ltd.

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mukand Gupta, Advocate
for the petitioner.

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?

LISA GILL, J.

Prayer in this petition is for setting aside order dated 13.05.2016 whereby the application filed by the present petitioner/defendant under Order 18 Rule 17 CPC for recalling the witness PW3 Hakam Singh alongwith original account statement, Ex.P5 and stock register for the year 1999-2000 has been dismissed.

Learned counsel for the petitioner submits that out of the three witnesses examined, two of them had deposed that no release order in favour of the petitioner was issued whereas, PW3 Hakam Singh had deposed that release order had been issued. This statement by PW3 Hakam

Singh is contrary to the record. Therefore, it is imperative that this witness be cross-examined on this point. In this situation it is contended that learned trial court has wrongly dismissed the application filed by the petitioner.

I have heard learned counsel for the petitioner and find no merit in this petition. It is rightly observed in the impugned order dated 13.05.2016 that the defendant/petitioner was very much alive to the said averments and calculations in question as contained in the complaint. The mere fact that an application for admission and denial was filed by the defendant/petitioner after appearance of PW3 Hakam Singh, is not relevant as complete opportunity was afforded to counsel for the petitioner/defendant for cross-examination of PW3 Hakam Singh. The petitioner, being fully equipped with the knowledge of the suit, and being well aware of the relevant questions to be put to the witnesses, cannot be permitted to fill the lacuna by allowing the application filed under Order 18 Rule 17 CPC.

Accordingly finding no merit, this petition is dismissed.

May 28 , 2016.
'om'

(LISA GILL)
JUDGE