

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

CR No.6490 of 2016 (O&M)

Date of decision:28.09.2016

Lt. Col Jaspal Singh Sandhu (Retd.)

... Petitioner

Vs.

Harbans Kaur (deceased) through LR's and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jyotiraditya Singh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

C.M.No.19845-CII-2016

The application is allowed, subject to all just exceptions. Legal representatives of Surya Uday – respondent No.1, as mentioned in the application, are ordered to be brought on record for the purpose of prosecuting the present revision petition

C.M.No.19846-CII-2016

The application is allowed, subject to all just exceptions.

CR No.6490 of 2016 (O&M)

The petitioner-defendant is aggrieved of the impugned order dated 30.08.2016 (Annexure P-1), whereby, the application for recalling the witness PW1, has been dismissed.

Mr. Jyotiraditya Singh, learned counsel appearing on behalf of the petitioner-defendant submits that certain valid questions were required

to be asked from PW1 *vis-a-vis* Will executed by the plaintiff (since deceased), who is none-else but mother of petitioner. He further submits that question required to be asked from PW1 would be essential and necessary for adjudication of the lis. Thus, the Court below has not assigned any reasons while declining the aforesaid application.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that many opportunities were availed by the petitioner for cross-examination of PW1. If at all, certain evidence is to be led, it can be led in the defence but not in the manner and mode or as indicated in the application.

I am of the view that the petitioner has not been able to make out the case as per the provisions of Order 18 Rule 17 of Code of Civil Procedure. No ground is made out for interference in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 28, 2016

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No