

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

Civil Revision No.6668 of 2016
Date of decision: November 09, 2016

Gurdev Singh ...Petitioner

Versus

Yadwinder Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manish Kumar Singla, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 29.08.2016, passed by the trial court, whereby application for recalling DW2 Lachhman Dass, filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, trial court ought to have allowed the application for recalling the witness Lachhman Dass, as two Jamabandis for the years 1961-62 and 1964-65 were not earlier in the knowledge of the petitioner/defendant and this witness was necessary to prove translation of the said documents as the same were carried out by him.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, plaintiff/respondent No.1 filed a suit for permanent injunction for restraining defendants from interfering in his possession over the suit land. When suit was at the stage of defendants' evidence, instant application was filed by the petitioner for recalling

DW2, despite the fact that said Lachhman Dass had already deposed about 14 months prior to filing of this application. The application was dismissed by the court below. Aggrieved, present revision petition has been filed before this court. According to counsel, trial court ought to have ordered to recall DW-2 as he had carried out translation of the revenue documents and has to prove the same. I am not convinced with the plea. Admittedly, petitioner was granted ample opportunities to conclude his evidence. Suit was instituted on 17.7.2010. After framing of issues, plaintiff led his evidence and case was fixed for defendants' evidence on 13.08.2013. Despite numerous opportunities, petitioner/defendants failed to conclude their evidence, but filed the instant application on 29.01.2016 for recalling the witness Lachhman Dass. I am of the considered view that instant application has been filed just to delay the proceedings of the suit. No interference in revisional jurisdiction is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

November 09, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No