

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

129

CR No. 6873 of 2016

Date of Decision: October 17, 2016

ARUN JAIN

-PETITIONER

VS

KULBIR KAUR

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sarju Puri, Advocate for
Mr.R.S.Thakur, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 31.08.2016 passed by Civil Judge (Junior Division), Chandigarh vide which application under Order 18 Rule 17 CPC for re-calling of plaintiff Kulbir Kaur-PW1 for further cross-examination was declined.

The Court recorded a finding that Kulbir Kaur was cross-examined as witness on 23.09.2015 and she was thoroughly cross-examined by learned counsel for the defendant. Thereafter, an application under Order 18 Rule 17 CPC came to be filed at the instance of the defendant for further cross-examination of Kulbir Kaur whose lengthy cross-examination was conducted on previous date.

The scope of Order 18 Rule 17 CPC is an enabling provision for convenience of the Court, if the Court requires any evidence for effective adjudication of the case. Parties are not

entitled to re-examine the witness in order to fill lacuna. It is for the Court to record satisfaction that the witness so sought to be examined is required for proper adjudication of the case.

Reliance can be made to **Surinder Kaur vs. Karanbir Singh, 2004 (3) R.C.R. (Civil) 161 and Ram Rati vs. Mange Ram (D) through LRs and others, 2016 (2) R.C.R. (Civil) 464.**

In view of satisfaction recorded by the trial Court that the witness was thoroughly examined on previous date i.e. 23.09.2015, no indulgence can be granted in exercise of provision of Article 227 of the Constitution of India.

Accordingly, this revision petition is dismissed.

**(RAJ MOHAN SINGH)
JUDGE**

October 17, 2016
Jyoti Y.

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No