

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

-.-

CR 712 of 2016

Date of decision: 25.02.2016

Inderdeep Singh and another

..... Petitioners

Versus

Bhajan Singh

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Deepak Nayar, Advocate
for the petitioners

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J. (Oral)

The present petition lays challenge to the order dated 15.12.2012 (Annexure P1) passed by Civil Judge (Junior Division) Amritsar, whereby an application filed by the petitioners under Order 18 Rule 17 of the Code of Civil Procedure (in short, CPC) for recalling the witnesses examined by the respondent, has been disallowed.

Counsel for the petitioners contends that the suit was initially filed in the name of Inderdeep Singh (since deceased) now represented by his legal heirs. They have engaged a new counsel to contest claim of the respondent/plaintiff and it was revealed by said counsel, on examination of the records, that certain relevant and vital facts have not been put to the witnesses examined by the respondent/plaintiff, therefore, the witnesses

need to be recalled for further cross examination.

I have heard counsel for the petitioners and perused the records but find no merit in the petition.

The learned trial Court, on a detailed consideration of the provisions of Order 18 Rule 17 CPC in the light of certain judgments referred to in the impugned order has rightly held against the petitioners that their claim for recalling the witnesses of the plaintiff for the purpose sought to be achieved does not fall within the purview and ambit of Rule 17 Order 18 CPC, therefore, I do not find any error much less illegality having been committed by the trial Court as would call for intervention.

Dismissed.

(Rekha Mittal)
Judge

25.02.2016
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