

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

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**Civil Revision No. 7566 of 2016
Date of Decision: November 10, 2016**

KAKA RAM

-PETITIONER

VS

PREM CHAND DECEASED TH LRS AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 06.10.2016 passed by Civil Judge (Sr. Divn), Derabassi vide which application filed by legal heirs of Prem Chand (deceased) for recalling the plaintiff witnesses for cross-examination by them was allowed.

Prem Chand (defendant No.1) died during pendency of the suit on 07.01.2014. Plaintiff Kaka Ram is the real brother of Prem Chand i.e. real uncle of legal heirs of Prem Chand. Plaintiff had the knowledge regarding death of Prem Chand but the factum of death of Prem Chand was not brought to the notice of the Court.

Plaintiff witnesses were cross-examined after the death of Prem Chand. Legal heirs of Prem Chand were precluded from cross-examining the plaintiff witnesses. No opportunity was afforded to the legal heirs of Prem Chand to

rebut the testimonies of plaintiff witnesses in their cross-examinations. Legal heirs of Prem Chand were impleaded on 22.08.2016 at the fag end of the case i.e. after more than two years of death of Prem Chand. Trial Court has allowed the prayer of the legal heirs of Prem Chand for cross-examining the plaintiff witnesses.

In view of aforesaid facts, it would not be justified to interfere in the impugned order passed by the trial Court in accepting the prayer on behalf of legal heirs of Prem Chand.

Accordingly, the present revision petition is dismissed.

**(RAJ MOHAN SINGH)
JUDGE**

November 10, 2016

Jyoti Y.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No