

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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Civil Revision No. 8566 of 2015
Date of Decision:11.1.2016

Sukhwinder Kaur

---Petitioner

versus

Surinder Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Malkeet Singh, Advocate
for the petitioner

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.

By invoking the provisions of Article 227 of the Constitution of India, the petitioner has laid challenge to order dated 29.4.2015 (Annexure P-3) passed by the Civil Judge (Senior Division), Phillaur whereby the application filed by the petitioner for recalling witnesses examined by the respondent/plaintiff for further cross examination has been dismissed.

Counsel for the petitioner is fair enough to concede that in the application filed by the petitioner, it was not disclosed as to what material questions were left to be put to the witnesses PW1 to PW3. However, it is submitted that subsequent to the disposal of the present application vide order dated 29.4.2015, the petitioner filed an application for amendment of the written statement on 8.7.2015 which was allowed by the court below on

21.8.2015. It is further argued that the facts brought on record by way of amendment of the written statement needs to be put to the witnesses of the plaintiff and therefore, the petitioner has an apprehension that in case, he files another application for recalling of the witnesses of the plaintiff to put them additional facts pleaded in the written statement, the impugned order may stand in his way.

I have gone through the impugned order and find no reason to intervene.

The trial court has rightly noticed that in the application for recalling of the witnesses examined by the plaintiff/respondent, there is no reference to the material questions that were left to be put to the witnesses at the time of their cross examination. The Court has rightly observed that change of a counsel does not entitle a party to seek recalling of the witnesses.

In view of what has been discussed hereinabove, finding no merit, the petition is dismissed without any order as to costs. However, an application, if any, filed by the petitioner for the same relief on the basis of amendment of written statement shall be disposed of by the trial court without being influenced by the observations in the impugned order, in accordance with law.

(Rekha Mittal)
Judge

11.1.2016
PARAMJIT