

123 RA-CR No.218-CII of 2016 in
CR No.5299 of 2016

Ranbir Singh Vs. Swaran Kaur

Present: Mr. Inderjeet Singh, Advocate
for the applicant-petitioner.

[1]. Applicant-petitioner seeks to get review of order dated 27.08.2016 passed by this Court in CR No.5299 of 2016 titled as Ranbir Singh Vs. Swaran Kaur.

[2]. In the aforesaid revision petition, order dated 28.07.2016 passed by Civil Judge (Sr. Judge), Jagadhri was challenged whereby the application for recalling of petitioner himself for cross examination was dismissed by the trial Court. For the detailed reasons mentioned in the order, the prayer of the petitioner was rejected and consequently, revision petition was dismissed.

[3]. Applicant-petitioner seeks to argue that the observations made by this Court in order dated 27.08.2016 was based on mis-appreciation of facts as the same did not find support from the interlocutory orders passed by the trial Court from time to time. Applicant-petitioner seeks to dilute the intensity of observations made by the trial Court as well as this Court in observing that after cross examination of Malkeet Singh, when this fact was brought to the notice of the trial Court, the trial Court

disallowed the cross examination of petitioner-Ranbir Singh on the ground that at the time of cross examination of the Malkeet Singh, the petitioner was very much present by his side and he heard the entire statement of the witness. At the time of cross examination of the witness, the other witness was not supposed to be present in Court and the same was in violation of settled norms.

[4]. Trial Court noticed the conduct of the petitioner on the relevant date and recorded the fact in the impugned order. Petitioner wants to get the same confronted on the strength of interlocutory orders wherein no such recital was made.

[5]. In my considered opinion, the observations of the trial Court cannot be confronted on the basis of recital of interlocutory orders as the same cannot be taken to be concrete reflection of conduct of the party in the Court. Even otherwise, the aforesaid plea is not sufficient to get the order reviewed as the findings of the trial Court were based on total appreciation of the petitioner's evidence in the Court which was rightly noticed. Applicant-petitioner cannot re-argue the case under the garb of review application.

[6]. In view of aforesaid, the review application is found to be totally devoid of merits and the same is accordingly dismissed.

09.09.2016
Prince

(RAJ MOHAN SINGH)
JUDGE