

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

CR No.1700 of 2017

Date of decision: March 08, 2017

Dilbagh Singh

....Petitioner

Versus

Ishwanti and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Navneet Singh, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Article 227 of Constitution of India read with Section 151 of CPC, petitioner has sought setting aside the order dated 28th February, 2017 (Annexure P-3) passed by Civil Judge(Junior Division), Sonipat whereby an application for permission to lead additional evidence on behalf of defendants No.1 and 2 has been dismissed.

At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that though as many as six witnesses have been sought to be summoned and examined by way of additional evidence, the details of which have been given in the application dated 16th February, 2017 but he does not press for the examination of the witnesses mentioned at Serial No.1 to 5 in the application and only intends to examine Mr. Satdev, Advocate, District Court, Sonipat, that too, only with regard to passing of the judgment and decree dated 1st September, 2005 passed in *Civil Suit No.529 of 2001/02* captioned as *Dilbagh Singh etc. Vs. Ishwanti etc* in which he was the counsel for Mrs. Ishwanti-respondent No.1/plaintiff.

Since the main controversy in the present suit is with regard to aforesaid

judgment and decree, the examination of Mr. Satdev, Advocate, District Court, Sonipat is necessary for the proper and effective adjudication of the matter in controversy. Moreover, his examination would also not cause any prejudice to the other side as they will have right to cross-examine him. Thus, the impugned order is partly *set aside* that too *qua* only Mr. Satdev, Advocate. For the examination of the aforesaid witness, trial Court is directed to afford one effective opportunity and thereafter, to proceed with disposal of the suit in accordance with law.

March 08, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No