

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

Civil Revision No.2867 of 2017

Date of decision: April 25, 2017

Sunil Kumar and another

...Petitioners

Versus

Upender Mehta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vineet Chaudhary, Advocate for the petitioners.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 12.04.2017, passed by Civil Judge (Jr. Division), Naraingarh, whereby application filed by the respondent/defendants under Order 18 Rule 17 CPC for recalling the official witness i.e. Clerk, Record Room, Ambala Courts for the purposes of his re-examination, has been allowed.

It has been urged before the court by learned counsel for the petitioners that defendants had already availed sufficient opportunities including last opportunity and their evidence was closed by the court and when case was at its final stage, defendants filed instant application just to delay adjudication of the case.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears, petitioners filed a suit for permanent injunction against defendants restraining them from interfering into their possession over the house in dispute. During pendency of suit, instant application was

filed by the defendants for recalling Dinesh Kumar, Clerk, Record Room, Ambala Courts for his re-examination. The trial court considering the fact that documents mentioned in the application are necessary to be proved, has allowed the same. I find no infirmity with the order. It reveals that on 13.2.2017, when the aforesaid official witness namely, Dinesh Kumar was examined, he stated that he could not trace out the summoned record. However, on the same day, evidence of defendants was closed. Thus, the court below has not committed any error by re-calling this witness for the purposes of his cross-examination. I find no merit in the present revision petition and same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 25, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No