

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.3439 of 2017
DECIDED ON: May 12, 2017

M/S ANIL TRADING CO. AND ANOTHER

.....PETITIONERS...

VERSUS

MOHAN LAL

....RESPONDENT...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Kumar Jain, Advocate
for the petitioners.

JASPAL SINGH, J. (Oral)

By virtue of instant civil revision petition preferred under Section 227 of the Constitution of India, the petitioner has sought setting aside of impugned order dated 11.04.2017 (Annexure P-1) passed in Civil Suit No.632 of 2014 captioned as “*M/s Anil Trading Co. vs. Mohan Lal*” whereby ld. trial court has disallowed the petitioner to confront the respondent from the Bahi entries of petitioner during cross-examination of defendant-respondent.

2. Undisputably, the petitioner-plaintiff filed a suit for recovery of ₹6,07,715/- on the basis of cheque bearing No.565033 alleged to have been issued by respondent-defendant in favour of petitioner-plaintiff to discharge his debt liability, which has been disputed by respondent-defendant. When the respondent-defendant appeared in the witness box, the petitioner-plaintiff sought to cross-examine him in respect of Bahi entries alleged to have been

maintained by him and at that time, an application was moved, which has been allowed vide impugned order dated 11.04.2017. Neither the Bahi entries are the basis of suit file of the plaintiff-petitioner nor the copies thereof were ever annexed with the plaint. There is not even a slightest reference about the Bahi entries in the entire plaint. As such, there is also no response from the side of respondent-defendant qua those entries. Since, petitioner-plaintiff has not relied upon Bahi entries at the time of filing suit and has not placed on record copies thereof in compliance of Order VII Rule 17 CPC, the same cannot be allowed to put to the respondent-defendant in his cross-examination. Not only this, even the petitioner-plaintiff did not opt to adduce or produce those entries of Bahi Khatta when he adduced and concluded his evidence. Moreover, by cross-examining, the witness, in respect of Bahi Khatta entries, the entire nature of the suit would change and it would result into a great prejudice to the respondent-defendant.

3. Thus, this Court does not find any merit in the instant petition. As such, the same stands dismissed.

May 12, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: **Yes**

Whether reportable: **Yes/No**