

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

Sr. No.120

CR No.3906 of 2017 (O&M)
DECIDED ON: May 30, 2017

JASPAL SINGH

..PETITIONER

VERSUS

UNION BANK OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Jyoti Sareen, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil revision preferred under Article 227 of the Constitution of India, petitioner has sought the setting aside of order dated April 11, 2017 (Annexure P-6) passed by learned Civil Judge (Jr. Divn.) Nakodar, whereby an application under Order XVIII Rule 17 CPC filed by the petitioner for recalling the PW-2-Vijay Kumar Sadana, the then Branch Manager has been declined/rejected.

2. A close scrutiny of the impugned order dated April 11, 2017 transpires that an application under Order XVIII Rule 17 CPC for recalling the PW-2-Vijay Kumar Sadana, the then Branch Manager has been declined on the ground that PW1-Ganga Ram has already been cross-examined at length even with regard to the documents Ex.D8 to Ex. D18 i.e. receipts issued by the bank. But in fact, it is the specific case of the petitioner that the receipts Ex.D8 to Ex.D18 were issued and handed over by PW-2-Vijay

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Kumar Sadana, the then Branch Manager. Thus, for the proper exhibition and proof of the aforesaid receipts Ex.D8 to Ex. D18, PW-2-Vijay Kumar Sadana, who issued the receipts and handed over the same to the petitioner is required to be confronted and the mere fact that these receipts have already been put to PW-1 is itself no ground to decline the recalling of PW-2-Vijay Kumar Sadana.

3. Thus, without commenting upon the impugned order dated April 11, 2017, instant petition is disposed of with the direction to the trial court to recall PW-2-Vijay Kumar Sadana and an opportunity be afforded to the petitioner to cross-examine the said witness with respect to receipts Ex.D8 to Ex.D18.

4. However, as the revision petition has been disposed of in the absence of the respondents, in case, they feel so aggrieved of this order, they shall be at liberty to approach this court.

May 30, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**