

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4042 of 2017
Date of decision: 02.06.2017

Tejinder Pal Singh

... Petitioner

Vs.

Harsh Vardhan Jain

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 06.05.2017 (Annexure P-5) passed by the learned trial Court, whereby on the application moved by the plaintiff, permission was granted to recall DW1 Tejinder Pal Singh for his further cross-examination, defendant has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned trial Court would show that it was the learned trial Court who found recalling of DW1 relevant for proper adjudication of the case. Had the learned trial Court not made this observation expressing the necessity for recalling of DW1 for proper adjudication of the case, the plea raised on behalf of the petitioner might have

been justified. However, in the case in hand, since the learned trial Court itself has found it necessary to recall DW1 for proper adjudication of the case, no fault can be found with the impugned order passed by the learned trial Court and the same deserves to be upheld.

It goes without saying that even if there would not have been any application moved by the plaintiff, the learned trial Court was not powerless to recall this witness DW1 for further cross-examination, so as to enable the Court to arrive at a judicious conclusion. Inherent powers of the Court under Section 151 of the Code of Civil Procedure are meant for exercising in such a given fact situation. That is what has been rightly done by the learned trial Court, while passing the impugned order and the same deserves to be upheld, for this reason also.

Further, no prejudice was likely to be caused to the petitioner by passing the impugned order. The learned trial Court was making sincere efforts to arrive at a judicious conclusion, so as to render substantial justice between the parties. Once no prejudice was likely to be caused to the petitioner, the learned trial Court was certainly within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

02.06.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No