

In the High Court of Punjab & Haryana at Chandigarh.

CR-7807-2015

Date of decision: 22.09.2017.

Siri Ram and another

..... Petitioners.

VS.

Baldev Krishan and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Surinder Garg, Advocate
for the petitioners.

Mr. A.S.Cheema, Advocate
for respondent No.1.

MAHABIR SINGH SINDHU,J.(ORAL)

Present petition has been filed against the impugned order dated 05.11.2015 (Annexure P4) passed by learned Civil Judge, (Jr. Division), Mansa, whereby objection filed by the petitioners/plaintiffs against the examination of respondent No.1 has been dismissed.

The contention of learned counsel for the petitioners is that it will be too late to permit respondent No.1 to be examined at this stage as he has already been examined at the relevant time as DW-6.

On the other hand, learned counsel for respondent No.1 has submitted that respondent No.1 has been permitted to be examined only qua rapat *roznamcha* No. 310 dated 17.04.1999 that has been brought on record by way of secondary evidence and nothing beyond that.

Heard both the sides.

There is no dispute that respondent No.1 has been permitted to be examined by learned trial Court to the extent of rapat *roznamcha* mentioned above. There is no quarrel with the legal proposition that

learned trial Court is well empowered to permit any witness to be examined at any stage, if the same is in the interest of justice.

In the present case, the secondary evidence has been allowed to be led by respondent No.1; but there is no examination qua that. Therefore, there is no harm in examining him as witness only to that extent as the petitioners will also get a chance to cross-examine respondent No.1.

In view of the above, petition stands dismissed and it is made clear that respondent No.1 will be examined/cross-examined only to the extent of the rapat *roznamcha* mentioned above and nothing beyond that.

(MAHABIR SINGH SINDHU)
JUDGE

22.09.2017.
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No