

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

CR No. 8064 of 2017(O&M)

Date of decision:- 08.12.2017

M/s Meticulous Pharmaceuticals

....Petitioner

Versus

Pawan Kumar

...Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sandeep Singh, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

The present appeal filed by the petitioner/defendant against the impugned order dated 29.09.2017 (**Annexure P-7**) passed by the trial Court whereby the application filed by the petitioner for recalling and re-examining DW 1 has been dismissed.

Learned Counsel for the petitioner has referred to the letter written by Excise and Taxation Officer Ex.PA where he has clarified that the form 'F' No. 0348962 to 0348965 is available on their record. However, when Parveen Kumar, Record Keeper of the Excise and Taxation Department was examined as DW1 (**Annexure-P-2**), he stated that record transactions of the above said Form was not mentioned in the record of the department and also denied the possession of the record transactions.

Keeping in view the information sent by the Officer of Excise and Taxation Department, Ex.PA, recalling of this witness i.e. DW-1 would be necessary as the main dispute of the plaintiff is redemption of account and in case, if Form 'F' would not be traceable, the present petitioner-defendant will suffer a irreparable loss. For a correct decision in the present case, witness DW 1 is required to be re-examined and the impugned order dated 29.09.2017 is

being set aside.

A direction is given to the trial Court to summon Record Keeper of Excise and Taxation Department, Ambala City with respect to the record pursuant to the letter Ex. PA.

Allowed as prayed for.

08.12.2017

Riya Grover

(RITU BAHRI)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>