

CR-8246-2017 (O&M)

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

**CR-8246-2017 (O&M)
Date of Decision : 04.12.2017**

MOHD. HANIF ALIAS BHOLA

....PETITIONER

VERSUS

MOHD. GULZAR

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ankit Kaushal, Advocate for the petitioner.

B.S. WALIA, JUDGE (ORAL)

CM-25574-CII-2017

For the reasons mentioned in the application, the same is allowed. Annexure P-7 is taken on record.

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[1] Learned counsel contends that the application moved by the defendant-petitioner under Order 18 Rule 17 of the CPC for permission to recall the plaintiff-respondent for further cross-examination was dismissed by the learned trial Court, without considering the matter in the correct perspective. Learned counsel relies upon the decision of the Hon'ble Supreme Court in 'K.K. Velusamy versus N. Palanisamy', 2011 (11) SCC, 275, i.e. *Civil Appeals No.2795-2796 of 2011, decided on 30.03.2011*, to contend that in view of the aforementioned decision the learned trial Court was liable to be directed to decide the matter afresh.

[2] I have considered the submission of learned counsel.

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[3] In case the petitioner is aggrieved by the decision of the learned trial Court on his application under Order 18 Rule 17 of the CPC on account of all aspects of the matter not having been taken into account, petitioner if so advised may move an appropriate application before the learned trial Court and in case, any such application is moved by the defendant-petitioner, the same would be dealt with and decided by the learned trial Court, in accordance with law.

[4] Revision petition is disposed of as above.

**(B.S. WALIA)
JUDGE**

December 04, 2017

rajneesh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No