

CR No.1657 of 2018

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

CR No.1657 of 2018

Date of decision:13.03.2018

Mariyam

... Petitioner

Vs.

Sirajuddin

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Mohammad Arshad, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-defendant is aggrieved of the impugned order dated 23.02.2018, whereby, application filed under Section 151 CPC for recalling the plaintiff for further cross-examination, was dismissed.

Mr. Mohammad Arshad, learned counsel appearing on behalf of the petitioner-defendant submitted that respondent-plaintiff instituted a suit for specific performance of the agreement to sell dated 12.08.2004 and target date for execution and registration of the sale deed was 30.05.2005. The plaintiff was cross-examined, whereby certain questions with regard to sale deed could not be asked and the suit was listed for defendant's evidence, therefore, the necessity arose to move an application but the same has erroneously been dismissed.

I have heard the learned counsel for the petitioner-defendant and appraised the paper book.

The reason given in the application is bereft of reasoning as to which specific question which would help in adjudication of the lis, has to be put in cross-examination of the plaintiff. Even otherwise, said act on behalf of the petitioner-defendant tantamounts to filling up the lacunae in the cross-examination and therefore, adverse inference is liable to be drawn against the petitioner-defendant. Until and unless the serious inadvertence is attributed, the Court cannot come to the rescue of such litigants.

In view of the aforementioned observations, the impugned order is perfectly legal and justified, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 13, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No