

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

**C.R. No.185 of 2018
Date of Decision.12.01.2018**

Sohan Singh

.....Petitioner

Vs

Sital Singh and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Munish Gupta, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioner is challenging the order dated 08.01.2018 whereby the application for examination of witness-Umrao Singh through local commissioner has been allowed.

Mr. Munish Gupta, learned counsel appearing on behalf of the petitioner-plaintiff submits that once the defendant is leading the evidence, examination of Umrao Singh, who is stated to be in good physical health, through local commissioner is irrelevant. The alleged dispute between the parties is with regard to endorsement dated 30.08.2007 on the reverse page of agreement to sell dated 11.05.2007 wherein the plaintiff alleged to have appended signatures/thumb impression of Umrao Singh but the fact of the matter is that examination of Umrao Singh as defendant's witness is irrelevant as his name never appeared in the list of witnesses and owing to the fact that the defendant had availed many opportunities.

I have heard learned counsel for the petitioner and appraised the paper book. Once the aforementioned document, according to the plaintiff,

has signature/thumb impression of Umrao Singh, it would be in the fitness of the defendant to examine the aforementioned witness in support of averments made in the written statement. The relevancy of the examination of witness or his statement can only be seen at the time of final arguments but not in the manner and mode as indicated above.

In view of the above, I do not find any reason to interfere with the order passed by the trial Court as the same cannot be said to be passed by the trial Court without jurisdiction or by exceeding its jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 15, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No