

It comes out that Lal Singh (PW1) and Avtar Singh (PW2), who are marginal witnesses of agreement of sale were examined in chief. Defendant requested that both of them should be produced for cross examination on one particular date. On 19.4.2017, both witnesses Lal Singh and Avtar Singh were produced. Avtar Singh was cross examined and once he was cross examined, learned counsel for plaintiff made statement that he give up Lal Singh. According to petitioners, he had bifurcated the cross examination of two witnesses, so as to bring out truth. Therefore, he prays for recalling of PW Avtar Singh for further cross examination.

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I am of the view that Lal Singh was to be cross examined. Avtar Singh was already cross examined on all points. Therefore, he cannot be recalled for further cross examination. It appears that a trick was played by plaintiff by first submitting Avtar Singh for cross examination and then giving up Lal Singh (PW1) who was already examined in chief. I am of the view that once witness is examined in chief, he should be submitted for cross examination and plaintiff could not give up the witness after his examination in chief is complete.

In view of matter, there are no merits in revision. Consequently, revision is dismissed with liberty to petitioners to move appropriate application before trial Court for recalling Lal Singh for cross examination by him.

(KULDIP SINGH)
JUDGE

20.4.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No