

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3021 of 2017(O&M)
Date of Decision: 14.09.2018

Jaspreet Kaur

.....Petitioner

Versus

Ranjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mandeep S. Sachdev, Advocate
for the petitioner.

Mr. Kalwajyot Singh, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J.(Oral)

[1]. Recalling of special Kanungo Vijay Kumar was sought who was earlier examined as PW 2. Since the Kanungo did not bring the original record for proving the excerpt, therefore necessity of recalling the said witness was deemed appropriate by the plaintiff.

[2]. The prayer was rejected by the trial Court vide the impugned order dated 15.03.2017.

[3]. While issuing notice of motion on 28.04.2017, following order was passed by the Co-ordinate Bench:-

“Learned counsel for the petitioner submits that statement of PW2-Vijay Kumar was not recorded as per

provisions of Punjab and Haryana High Court Rules and orders. Even in cross-examination, said witness has also admitted that he has not brought the original record. The impugned order has been passed only on the basis of stage of the case whereas the same is not relevant. A great prejudice would be caused to the petitioner in case, the impugned order is not set-aside.

Notice of motion for 14.07.2017.

Meanwhile, the trial Court is directed not to pass final order till the next date of hearing.”

[4]. Learned counsel for the petitioner submitted that in view of High Court Rules and Orders i.e. Volume 1 Chapter 9 Rule 5, it was the duty of the Court to see the application is made as per requirement of Sub Rules 4 to 6. The Court was required as a rule to compare with the original record.

[5]. The factum of aforesaid legal position is not denied by learned counsel for the respondent. However, learned counsel for the respondent prays for early disposal of the suit pending before the trial Court and also prays for imposition of adequate costs upon the plaintiff/petitioner. In a way, learned counsel for the respondent has no objection to the prayer made by the petitioner.

[6]. In view of above, this revision petition is accepted. Impugned order dated 15.03.2017 passed by the trial Court is hereby set aside, however subject to payment of costs of Rs.10,000/- to be deposited with the Registrar General of this

Court who shall further deposit the same in the 'Kerala Chief Minister's Distress Relief Fund' towards relief to Kerala flood victims. Normal consequences to follow.

September 14, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No