

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

CR No.4731 of 2018

Date of Decision: 13.08.2018

Ajit Singh

...Petitioner

Versus

Ran Singh and others

....Respondents

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

Present: Mr. Jai Vir Yadav, Advocate
for the petitioner.

B.S.WALIA, J. (Oral)

1. Mr. V.P. Sangwan, Advocate has put in appearance on behalf of respondent No.1 and filed memorandum of appearance. The same is taken on record.

2. Learned counsel contends that PW1 was cross-examined by the petitioner but could not be examined by the Government Pleader. Thereafter, application moved by the Government Pleader for recall of plaintiffs witnesses was allowed. Revision petition filed against said order was dismissed by this Court vide order (Annexure P-2) dated 19.09.2017 whereafter respondents/plaintiffs instead of producing PW1, moved an application (Annexure P-3) praying that statement of PW1 be ignored and be not read in evidence in the Election Petition.

3. Learned counsel contends that the aforementioned application was allowed by the learned trial Court vide order dated 12.07.2018 (Anneuxre P-5) on the ground that unless and until PW1 had been cross

examined by all respondents, it was not mandatory that his statement be read in evidence.

4. Learned counsel contends that PW1 had made certain admissions in his cross examination conducted by the petitioners counsel which constituted evidence within the meaning of Section 3 of The Indian Evidence Act, 1872, therefore, although it would be open to the respondents/plaintiffs to take up the stand that they did not intend to rely upon the evidence of PW1 qua the respondents who had not cross examined PW1 but the same stand could not be adopted qua the petitioner/defendant who had cross examined PW1 and elicited favorable response.

5. Learned counsel for respondent No.1/plaintiff on the other hand states that he has no objection if the evidence of PW1 is read qua the petitioner/defendant though not qua the remaining respondents who have not cross examined him. The same satisfies learned counsel for the petitioner.

6. In the light of statement of learned counsel for the parties, the revision petition is disposed of by modifying the impugned order to the extent that the evidence of PW1 (official witness) would be read qua petitioner/defendant only and not qua the remaining respondents.

7. Revision petition disposed of with above observations.

(B.S.WALIA)
JUDGE

13.08.2018
sandeep

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No