

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.904 of 2018(O&M)

Date of Decision: 12.02.2018

Vijay Kumar

....Petitioner (s)

Versus

Raj Kumar Jindal & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Navkesh Singh Goraya, Advocate
for the petitioner(s).

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 19.01.2018 passed by Civil Judge (Jr. Division), Panchkula, whereby the application moved by the petitioner for re-examination of PW-1 Gandhi Ram, Junior Engineer, was dismissed.

Briefly stated, in the suit filed by the petitioner seeking permanent injunction by restraining the defendant-respondents, their agents, servants and assignees from misappropriating the furniture, fixture, eight air conditions, glass fittings, crockery, gift items etc., the plaintiff-petitioner examined PW-1 Gandhi Ram, Junior Engineer. However, on 21.11.2017, the plaintiff-petitioner filed an application for re-examination

of PW-1 Gandhi Ram, Junior Engineer, so as to ascertain the truth. The said application was dismissed by learned Civil Judge (Jr. Division), Panchkula vide impugned order dated 19.01.2018.

It is against the aforesaid order dated 19.01.2018, the petitioner has filed the present revision petition.

Learned counsel for the petitioner submits that re-examination of PW-1 Gandhi Ram, Junior Engineer has become necessary for the reason that the said witness has given evidence against record and has suppressed the material facts. Therefore, his re-examination is necessary to achieve the ends of justice.

I have heard learned counsel for the petitioner and perused the application dated 21.11.2017 (Annexure P-3) as well as impugned order (Annexure P-6).

In the application dated 21.11.2017 (Annexure P-3), as moved by the petitioner seeking re-examination of PW-1 Gandhi Ram, Junior Engineer, it has been averred that the said witness was summoned along with record of sealing and opening of sealing pertaining to SCO No.8, Sector 10, Panchkula and he was examined-in-chief by the petitioner-plaintiff. This witness was cross-examined also by the respondent-defendants. However, the application nowhere suggests as to for what purpose this witness is required to be re-examined, particularly when he has already been examined and cross-examined. At the time of examination of the said witness, no objection whatsoever was raised by learned counsel for the petitioner that the said witness has not brought any

record etc., which was necessary. Rather, the impugned order reveals that this witness has given evidence as per the record.

Therefore, in absence of any specific averment in the application, as for what purpose this witness is required to be re-examined, this Court does not find any ground to interfere with the impugned order dated 19.01.2018 passed by Civil Judge (Jr. Division), Panchkula.

Accordingly, the present revision petition is dismissed.

February 12, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No