

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

CR No.6947 of 2018

Date of Decision:14.11.2019

Gulzar Singh

... Petitioner

Vs.

Mahal Singh

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present : Mr. Parminder Singh, Advocate for the petitioner.

Mr. Naveen Thakur, Advocate for the respondent.

RAJ MOHAN SINGH J. (Oral)

1. While vacating the interim order, this Court vide order dated 13.05.2019 directed the trial Court to proceed with the case forthwith. A perusal of interim orders passed by the trial Court on 15.5.2019 and 17.8.2019 would show that the trial Court is still waiting for orders from the High Court. Vide letter No.3683 dated 18.5.2019, the order dated 13.5.2019 has already been sent to the trial Court.

2. The petitioner has challenged order dated 1.10.2018 passed by the Civil Judge (Jr. Division), Karnal vide which the application for recalling the plaintiff PW-1 and PW-4 for cross examination so as to exhibit original agreement dated 13.7.2015

was rejected.

3. Notice of motion was issued on the premise that photocopy of original agreement dated 13.07.2015 has already been tendered on record as Ex.P2. Now the original of the aforesaid agreement is sought to be produced on record by recalling plaintiff-PW-1. The evidence of the plaintiff is still in progress and the plaintiff does not wish to examine any other witness except to prove the agreement by recalling PW-1.

4. After hearing learned counsel for the parties, I am fully convinced that the petitioner can be permitted to bring on record original agreement on record by recalling the plaintiff/PW-1. The said exercise can be undertaken in the interest of justice particularly when photocopy of the agreement is already on record. The interest of the respondent can also be safeguarded by imposing adequate cost (s).

5. In the light of the aforesaid fact, I deem it appropriate to set aside the impugned order dated 1.10.2018 while granting one opportunity to the petitioner to file original agreement dated 13.7.2015 on record and to examine PW-1 in the context of aforesaid document. The plaintiff shall not be entitled to examine any other witness.

6. With the above observation, this revision petition is disposed of subject to payment of cost (s) of Rs.20,000/- to be deposited with the Poor Patient Welfare Fund, PGIMS,

Chandigarh.

7. Payment of cost (s) shall be the condition precedent
for granting indulgence by the trial Court.

14.11.2019
rajeev

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**