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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 688/2019 & CM APPL. 44537/2019**

DHARAMBIR SINGH & ANR

..... Petitioners

Through: Mr. Girindra Kumar Pathak,
Advocate. (M:9891173368)

versus

RAM KISHAN & ANR

..... Respondents

Through: Mr. Yudhvir Singh Chauhan,
Advocate. (M:9810153709)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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30.01.2020

1. The present petition arises out of the impugned order dated 30th March, 2019 by which the Petitioner's application for recalling PW-2 (*Patwari*) was rejected by the Trial Court. The *Patwari* was examined-in-chief on 31st October, 2017 on which date he had produced various records which were summoned by the Petitioner. Thereafter he was cross-examined on 20th December, 2017 and further re-examined/cross-examined on the same date.
2. The present application was then moved by the Petitioner under Order XVIII Rule 17 CPC seeking recall of PW-2 and summoning of the *Kanungo* for production of further records in respect Village Nangli Sakrawati, Najafgarh, Tehsil Dwarka, New Delhi. The said application was rejected by the Id. Trial Court.
3. Ld. counsel for the Petitioner submits that he wishes to prove some more notifications and other documents from the records of the *Patwari* and *Kanungo*. The details of the same according to the Petitioner are stated in

the application moved under Section 151 CPC.

4. The *Patwari* was cross-examined and examined almost two years ago. Repeated calling of Government officials cannot be permitted in this manner. The Petitioner has had adequate opportunity to summon the records from the *Patwari*. He has appeared before the court on two occasions and been examined in detail. If the Petitioner wishes to rely upon any records including notifications which are available with the *Patwari* and *Kanungo*, the Petitioner is permitted to apply for certified copies of the same and place the same along with the affidavit in evidence of the Petitioner.

5. If the *Kanungo* is part of the list of witnesses, the Petitioner is permitted to summon the *Kanungo* with the specific records which he wishes to produce through the *Kanungo*. The recalling of the *Patwari* - PW2 is accordingly rejected.

6. With these observations the petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J

JANUARY 30, 2020

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