

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

206

CR-5883-2019 (O&M)
Date of decision: 05.03.2021

JOGINDER PAL SINGH

...Petitioner

Versus

KULWANT KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Rajinder Goyal, Advocate for the petitioner.

Mr. Rishav Jain, Advocate for respondent No.1 to 3.

ANIL KSHETARPAL, J. (Oral)

The petitioner-defendant has filed this revision petition under Article 227 of the Constitution of India assailing the correctness of the order dated 29.08.2019 refusing to permit the defendant to recall witnesses produced by the plaintiff for further cross examination after an amendment of the written statement has been allowed.

After having heard the learned counsel for the parties at some length, this Court is of the considered view that there is no requirement to recall the witnesses examined by the plaintiff who have already been cross examined at length. The petitioner-defendant was permitted to amend the written statement to correct a factual error. In original written statement, defendant pleaded that he has sold 54 kanal 18 marlas and therefore, left with 3 kanal 9 marlas of land. By way of amendment, the defendant was allowed to rectify the alleged mistake and now after allowing the amendment he has pleaded that he has sold 54 kanal 7 marlas and is left

with 4 kanal. This fact is required to be proved by the defendant by producing his own evidence.

Learned counsel for the petitioner contends that since this suggestion has not been given to the plaintiff therefore, adverse inference may not be drawn.

This Bench has considered the submissions however, finds the same to be misplaced. Whether the petitioner-defendant has sold 54 kanal 18 marlas or 54 kanal 7 marlas is to be proved by him therefore, there is no scope to interfere.

Disposed of.

05.03.2021

ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No