

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

Sr. No.122

CR-308-2022 (O&M)

Date of decision : 01.02.2022

Dharambir

..... Petitioner

VERSUS

Mahender Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

SUDHIR MITTAL, J. (Oral)

The petitioner is defendant No.7. He had filed an application dated 26.02.2020 for recalling PW-1, namely, Mahender Kumar for cross-examination. The application has been rejected by the trial Court vide impugned order dated 20.12.2021 on the ground that PW-1, namely, Mahender Kumar had been cross-examined by the applicant-petitioner at length and questions were put to him regarding civil suit bearing CIS No.343 of 1992. Thus, the submission that he was not aware of affidavit dated 22.10.1992 filed in the said suit cannot be accepted.

Learned counsel for the petitioner has submitted that in fact, the petitioner was not aware of the aforementioned affidavit dated 22.10.1992 and needs to recall PW-1 only to put the said affidavit to him.

The submission cannot be believed. If, a party was aware of the suit, he was also deemed to be aware of the contents thereof as well as the record forming part of the suit. Under the circumstances, the trial Court cannot be faulted in passing the impugned order.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

01.02.2022
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No