

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

263

(Through Video Conferencing)

**CR-4982-2019 (O&M)
Date of decision: 14.03.2022**

Vinay Kumar

.....Petitioner

Versus

Municipal Corporation, Ludhiana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Sachdeva, Advocate
for the petitioner.

Mr. Ashok Bajaj, Advocate
for the respondents.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner-plaintiff is impugning the order dated 11.07.2019 passed by the learned Civil Judge, Jr. Divn., Ludhiana (Annexure P-4) vide which an application dated 02.07.2018 (Annexure P-3) under Order 18 Rule 17 read with Section 151 CPC moved by the petitioner for recalling the plaintiff witness PW-4 Ravinder Singh Walia, Draftsman, Zone-D, Municipal Corporation, Ludhiana for re-examination was dismissed.

Learned counsel for the petitioner *inter alia* contends that re-examination of PW-4 Ravinder Singh Walia, Draftsman was necessary as he had made contradictory statements in different cases pertaining to the property in question inasmuch as in the case in hand he had stated that the park in dispute fell in khasra no.20//3/1 while in the other two cases this witness had deposed that the park under T.P. Scheme fell under khasra No.20//2/1. Learned counsel contended that

since it was the specific case of the petitioner-plaintiff that he was exclusive owner of the plot/property bearing No.117 measuring 275 sq. yds., comprised in khasra No.20//3/1/2, khata No.882/958 as mentioned in jamabandi for the year 2001-2002 situated at New Maya Nagar, Near Gandhi Colony, Haibowal Kalan, Ludhiana, recalling of PW-4 Ravinder Singh Walia was necessitated to rebut the stand of the Corporation that the petitioner had encroached upon the property in dispute which was a public park.

On being put to notice, the respondents have entered appearance through their counsel.

Learned counsel for the respondents has opposed the prayer made by the petitioner by urging that the said application has been moved for filling up lacuna in evidence.

I have heard learned counsel and perused the relevant material placed on record.

The impugned order comes across as a well reasoned one, based on sound principles of law, which does not warrant any interference by this Court. Admittedly, PW-4 Ravinder Singh Walia stepped into the witness box as an official witness and produced on record the relevant record pertaining to the property in question. In case, the witness has indeed made contradictory statements with respect to the khasra numbers recorded in the other two cases, it would not in any manner affect the case of the petitioner as the dispute in question would be adjudicated upon by the Court not on the basis of the oral deposition of PW-4 Ravinder Singh Walia but also the documentary evidence led, which as already observed hereinabove, stands already

placed on record.

The instant revision, being devoid of any merit, is dismissed.

14.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No