

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

363-1

CR No.6448 of 2019 (O&M)

Date of Decision : 23.08.2022

Krishan

....Petitioner

VERSUS

Ramphal

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sawan Choudhary, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (Oral)

The present revision petition under Article 227 of the Constitution of India has been filed impugning the order dated 11.09.2019 vide which the application for recalling PW-3, Narender Singh, for further cross-examination had been dismissed.

Learned counsel for the petitioner would contend that the petitioner had filed an application for recalling PW-3, Narender Singh, for further cross-examination as some new facts had come-forth which were necessary to be put to the said witness.

None has put in appearance on behalf of the respondent.

I have heard learned counsel for the petitioner.

In the present case, PW-3, Narender Singh, was examined and thereafter cross-examined at length on 05.01.2019 by the petitioner herein. Thereafter, an application was filed for further cross-examination of the said witness on the basis of a totally vague application bereft of any reasons wherein it has been simply stated that PW-3, Narender Singh, could not be cross-examined properly and since some new facts had come-forth, hence,

he was required to be further cross-examined and that the further cross-examination would not cause prejudice to the plaintiff-respondent.

The application filed by the petitioner is totally devoid of any reasons and simply by stating that the witness could not be properly cross-examined, a witness cannot be re-called under the provisions of Order XVIII Rule 17 CPC or by exercising the inherent powers of the Court under Section 151 CPC. There is no reason forthcoming in the application as to on what grounds the witness needed to be re-examined once the lengthy cross-examination had already been conducted. Merely on the ground that no prejudice would be caused to the plaintiff-respondent, the application cannot be allowed. The present application appears to be nothing but an endeavour to fill-in the lacuna. The application being a sheer abuse of process of law cannot be permitted.

Accordingly, I do not find any illegality or infirmity in the order passed by the Trial Court. The present revision petition being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

23.08.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO