

S.No.109

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

CR No.5402 of 2022

Date of Decision:22.11.2022

Navtej Singh

.....Petitioner

Vs.

Karamjeet Singh and another.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Lupil Gupta, Advocate for the petitioner.

DEEPAK GUPTA, J.

The petitioner is defendant No.1 before the learned trial Court. His application to discard the affidavit of PW2 – Satnam Singh, has been rejected by the trial Court vide impugned order dated 05.07.2022 (Annexure P.9), against which this revision has been filed.

The suit for recovery was filed by the plaintiff – Karamjeet Singh – respondent. The case was at the stage of plaintiff's evidence itself. During his evidence, plaintiff produced Satnam Singh as PW2 and tendered his affidavit. The defendant – respondent prayed to discard the affidavit on the ground that earlier counsel for the plaintiff had promised to close the evidence and only to tender certain documents. Besides, plaintiff wanted to fill up the lacuna left by PW1 in his testimony.

It is conceded by counsel for the petitioner that the case was at the stage of plaintiff's evidence itself. Simply because counsel for the plaintiff had earlier assured to close the evidence, cannot be a reason not to take the statement of PW2 into consideration or to discard his evidence. The petitioner- defendant No.1 will get the opportunity to cross-examine the witness.

I find absolutely no illegality in the impugned order. Revision is dismissed.

November 22, 2022
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No