

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6146 of 2015 (O&M)

Date of Decision: 08.11.2023

Raj Karni

... Petitioner(s)

Versus

Tarsem Lal and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.K.Arora, Advocate
for the petitioner(s).

Mr. Ashish Gupta, Advocate
for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. In this revision petition, filed under Article 227 of the Constitution of India, the plaintiff assails the correctness of the order dated 01.08.2015, passed by the trial Court while rejecting the petitioner's prayer for recall of PW.2 Bikramjit Singh.

2. The plaintiff wants to recall the witness as he, during the cross-examination, made a statement which was not in consonance with the affidavit filed by him in lieu of the examination-in-chief. The plaintiff wants to recall the witness in order to confront him with a deposition given by the witness in the criminal case.

3. Under Order XVIII Rule 17 of the Code of Civil Procedure, 1908, the Court has the enabling power to recall a witness. However, such power is required to be exercised only in the appropriate cases. In this case,

Bikramjit Singh is a witness to the registered sale deed. In cross-

Civil Revision No. 6146 of 2015 (O&M)

examination, he has admitted that the vendor executed the sale deed. The trial Court has found that the plaintiff has failed to make out a case for recall and re-examination of the witness. In exercise of the revisional jurisdiction, this Court does not find it appropriate to interfere with the impugned order in the absence of any perversity.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 08, 2023
“DK”

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