

314 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1422 of 2022(O&M)
Date of Decision: 12.10.2023

Yadwinder Singh

...Petitioner

Versus

Bhola Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. I.S. Brar, Advocate
For the petitioner.**

**Mr. Abhinav Singla, Advocate
For the respondent.**

KARAMJIT SINGH, J.

1. This revision petition has been filed by the defendant against the order dated 23.03.2022 (Annexure P-4) passed by the Court of Civil Judge(Sr.Divn.), Bathinda whereby an application filed by defendant to summon 08 bank officials of different banks, Sanjeev Sharma, Document Expert, Ferozepur and concerned officials of Market Committee, Malout along with summoned record pertaining to J Forms was partly allowed and the defendant was permitted to examine Sanjeev Sharma, Document Expert as a witness on his behalf.

2. The brief facts of the case are that respondent-plaintiff filed suit for recovery of Rs.34,40,000/- along with interest against the petitioner under Order 37 CPC on the basis of pronote and receipt. The said suit has been contested by the petitioner. After framing of issues the respondent/plaintiff concluded his evidence and then the case was fixed for evidence of the petitioner and at that stage the petitioner filed an application for

summoning of 06 bank officials with regard to his own different bank accounts, two bank officials along with statements of account of respondent-plaintiff, Sanjeev Sharma, Hand Writing Expert and concerned official of Market Committee along with summoned record. The learned trial Court while disposing off the said application vide impugned order allowed the petitioner to examine Sanjeev Sharma, Hand Writing Expert only.

3. The petitioner being aggrieved by the said order has filed the instant revision petition.

4. I have heard learned counsel for the parties.

5. During arguments the counsel for the petitioner submits that out of the above-said 09 witnesses, examination of concerned witness of Market Committee, Malout is necessary to prove the defence taken by the petitioner in the civil suit for recovery. With regard to other summoned witnesses, the counsel for the petitioner failed to satisfy this Court that their deposition is also required for proper adjudication of the subject matter in dispute.

6. The counsel for the respondent while supporting the impugned order has resisted the present petition.

7. In the light of above, the present petition is partly allowed and permission is granted to the petitioner to summon and examine concerned official of Market Committee, Malout along with the record as has been detailed in the concerned application (Annexure P-3). The petition stands disposed of in aforesaid terms.

(KARAMJIT SINGH)
JUDGE

12.10.2023
Jiten

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