

CR-2889-2023(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 10.10.2023

Rajinder Singh

....Petitioner

Versus

Inderjit Kaur and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jimmy Singla, Advocate for the petitioner.

AMARJOT BHATTI, J.

CM-14922-CII-2023

Learned counsel for the applicant has filed application u/s 151 C.P.C. for placing on record statement of Pankaj Kumar-PW4 dated 16.11.2022 as Annexure P-7.

For the reasons stated in the application, the same is allowed.
The accompanying document as Annexure P-4 is taken on record.

CM stands disposed of.

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1. The petitioner – Rajinder Singh has filed civil revision under Article 227 of the Constitution of India for setting aside the impugned order dated 10.04.2023 (Annexure P-6) passed by learned Civil Judge (Senior Division), Patiala vide which application filed by the petitioner/plaintiff to summon the official witness from Punjab and Sind Bank, branch Bhunerhari was dismissed.

2. The learned counsel for the petitioner argued that earlier he had summoned a clerk from the office of Punjab and Sind Bank, branch

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Bhunerhari along with record of cheque bearing No.169365 dated 29.06.2019. The said witness was examined as PW-4 on 06.09.2022 and it came into light that the said cheque No.169365 dated 11.04.2018 was allotted to another account holder namely Rani wife of Swaran Gir. The examination-in-chief was deferred. The copies of said statements are Annexures P-2 and P-3. He again filed application to summon the Clerk with the aforesaid record of Smt. Rani along with the cheque. The said application was declined vide impugned order dated 10.04.2023. The copy of application, its reply and order are Annexures P-4 to P-6. In order to bring truth on the record the testimony of this witness is necessary. Therefore, the impugned order may be set aside and the trial Court may be directed to summon the witness along with the aforesaid record.

3. I have considered the arguments and have gone through the record. Rajinder Singh filed suit for recovery of Rs.2,70,000/- along with interest. As per the plaint, the aforesaid amount was borrowed by the defendant on three different occasions and in return Jaspal Singh now represented through his LRs i.e. defendants No.1 to 5 issued cheque bearing No.169365 dated 29.06.2019 of Punjab and Sind Bank, branch Bhunerhari for an amount of Rs.2,70,000/- in favour of the plaintiff. Now during the course of evidence the plaintiff summoned concerned Clerk from Punjab and Sind Bank, Branch Bhunerhari who is examined as PW4 and produced the original cheque No.169365 dated 11.04.2018 for an amount of Rs.50,000/- from the account belonging to Rani wife of Swaran Gir. Thereafter by filing application, he again wants to summon the Clerk of Punjab and Sind Bank, Branch Bhunerhari with the record of the original cheque in the name of Rani. So far as Rani wife of Swaran Gir is concerned, she has nothing to do with the present suit for recovery. The

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impugned order dated 10.04.2023 clearly indicates that the learned Additional Civil Judge (Senior Division), Patiala allowed the application for summoning of witness for as many as three times. The same witness cannot be summoned time and again. It is the duty of the party concerned to summon the witness by disclosing the entire record which he is required to prove. Therefore, considering these facts, I do not find any reason to interfere in the impugned order dated 10.04.2023 passed by the trial Court and the same is accordingly upheld.

Accordingly, the civil revision preferred by the petitioner is dismissed.

10.10.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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