

CR-1265-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.142

CR-1265-2024

Date of Decision: 12.03.2024

GURJEET KAUR AND OTHERS

....Petitioners

Versus

M/S SAHAB SINGH BALVINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. S.S. Momi, Advocate for the petitioners.

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ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 31.01.2024 passed by learned Trial Court, whereby an application dated 11.09.2023, for recall of the witness, PW-3, namely, Satpal, was dismissed.

It is submitted by learned counsel that during the pendency of the suit for recovery, PW-3, Satpal, was examined. Even, his cross-examination was conducted by the petitioners (who are defendants before learned Trial Court), but however, when the case was fixed at the stage of DWs, the present application for recall of PW-3 was filed, which has been dismissed by learned Trial Court.

On query by the Court, it was pointed out that the application for recall of the said witness is Annexure P-9. Perusal of the same reveals that there is simple mention made i.e. applicants intend to re-examine the witness, but however, no reason, as such, has been assigned by the petitioners in the application, as to for what purpose the witness is required to be re-examined.

Perusal of the impugned order reveals that examination-in-chief of PW-3, Satpal was conducted on 13.09.2022 and he was partly cross-examined on 16.05.2023 and the residue cross-examination was completed on 01.07.2023

and on that very day, evidence of the respondent/plaintiff was closed.

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Thereafter, the case was fixed for recording of the defendants evidence and it was only in the month of September, the application in hand was filed. Despite the same, no reason, as such, is coming forth for re-examination of the said witness. Now, by way of recall, the petitioners (who are defendants before learned Trial Court), intend to further cross-examine the said witness, with regard to J-Forms and ledgers from 2018 to 2020.

It is submitted by learned counsel that said record of J-Forms and ledgers for the requisite period was not available with the petitioners, at the time, when they conducted the cross-examination of the aforesaid witness, PW-3, Satpal and precisely, on this account, the cross-examination, as such, could not be conducted.

On query by the Court, it has not been disclosed by learned counsel that as to when the petitioners laid their hands on the J-Forms and the ledgers of the requisite period and in what manner. However, he submits that reference to the same has been made in the petition. May it be so, but however, in the application, there is total silence about the purpose, for which the witness is required to be recalled.

In the given circumstances, no satisfactory reason is coming forth for re-examination of the witness, PW-3, Satpal. Hence, the impugned order calls for no interference and the petition sans merit.

Accordingly, the instant civil revision petition is hereby dismissed.

12.03.2024  
Himanshu

(ARCHANA PURI)  
JUDGE

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