

CR-2499-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.132

CR-2499-2024 (O&M)
Date of Decision: 25.04.2024

SATISH KUMAR

....Petitioner

Versus

GAGANDEEP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

ARCHANA PURI, J. (Oral)

CM-7379-CII-2024

Keeping in view the averments made in the application, same is
allowed.

Main case

Challenge in the present revision petition is to the order dated
15.04.2024 (Annexure P-1), passed by learned Trial Court, whereby an
application filed by the petitioner, for recall of the witness PW-3, namely,
Gagandeep Singh, for further cross-examination, was dismissed.

Learned counsel for the petitioner heard.

The facts, as culled out from the paperbook are that, during the
pendency of the suit for recovery, filed at the instance of the respondent,
after recording of the statement of PW-3, Gagandeep Singh, before
recording of any further witness, an application was filed by learned counsel
for the petitioner for recall of the said witness i.e. PW-3, for further cross-
examination.

Perusal of the application reveals about the same to have been filed for two reasons; firstly that the previous counsel who was representing the petitioner did not ask appropriate questions and for calling for further cross-examination, as prayed for, on account of new counsel having engaged. Secondly on account of the petitioner, not being present, at the time when the cross-examination of Gagandeep Singh was conducted. However, perusal of the impugned order reveals that learned Trial Court has appropriately considered the averments made in the application and has very correctly observed about no case made out for recall of the witness, solely on account of change of counsel. Also, it has been appropriately observed about the presence of the petitioner/defendant, to be not essential, at the time of conducting of the cross-examination, more particularly when he is represented through the counsel in a civil matter.

In view of the observations, so made, by learned Trial Court, the impugned order warrants no interference by this Court, while exercising the revisional jurisdiction. Hence, the present revision petition sans merit and is hereby dismissed.

Pending application, if any, also stands disposed of.

25.04.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No