

2024:PHHC:052844

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5247-2019(O&M)
Date of decision :19.04.2024

Smt. Ishwanti Devi **...Petitioner**

Vs.

Sarvar Singh and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner

Mr. Gurasis, Singh, Advocate
for respondent No.3.

Mr. Rajesh K. Kataria, Advocate
for respondent No. 4.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein has filed a suit for grant of decree of declaration to the effect that she is the owner in possession of the house and transfer of the house in the records of the Society (defendant No.4) in favour of defendant No.1 is a result of fraud, cheating and misrepresentation. The house has also been further transferred in favour of defendant No.2. The case is at the stage of final arguments. An application for recalling of witness, namely, Inder Singh, the President of the Society (defendant No.4), has been dismissed by the trial Court on the ground that the plaintiff has failed to show the relevancy for recalling the witness.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. Learned counsel representing the petitioner submits that when the President of the Society appeared in evidence, he did not bring the register

containing the proceedings of the Society from time to time. He submits that the aforesaid proceedings would help the petitioner to prove her case.

4. On a Court question, as to why the President is required to be summoned, the learned counsel representing the petitioner submits that the case is at argument stage, hence, only the Court can summon the register.

5. This Court has considered the submissions made by learned counsel representing the parties.

6. Recalling of the witness is regulated by the provisions of Order 18 Rule 17 of the Code of Civil Procedure, 1908. For production of the record, recalling of the President of the Society is not necessary.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Dismissed.

19.04.2024

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Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)
JUDGE

Yes	No
Yes	No